

**Calendar No. 173**

103D CONGRESS  
1ST SESSION

**S. 1337**

**A BILL**

To authorize appropriations for fiscal year 1994 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AUGUST 2 (legislative day, JUNE 30), 1993

Read twice and placed on the calendar

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IN THE SENATE OF THE UNITED STATES

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Mr. NUNN, from the Committee on Armed Services, reported the following original bill; which was read twice and placed on the calendar

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To authorize appropriations for fiscal year 1994 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “National Defense Au-  
3 thorization Act for Fiscal Year 1994”.

4 **SEC. 2. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.**

5 For purposes of this Act, the term “congressional de-  
6 fense committees” means the Committees on Armed Serv-  
7 ices and the Committees on Appropriations of the Senate  
8 and House of Representatives.

9 **TITLE I—PROCUREMENT**

10 **Subtitle A—Funding**

11 **Authorizations**

12 **SEC. 101. ARMY.**

13 Funds are hereby authorized to be appropriated for  
14 fiscal year 1994 for procurement for the Army as follows:

15 (1) For aircraft, \$1,249,539,000.

16 (2) For missiles, \$1,083,810,000.

17 (3) For weapons and tracked combat vehicles,  
18 \$1,009,679,000.

19 (4) For ammunition, \$621,049,000.

20 (5) For other procurement, \$2,864,575,000.

21 **SEC. 102. NAVY AND MARINE CORPS.**

22 (a) NAVY.—Funds are hereby authorized to be appro-  
23 priated for fiscal year 1994 for procurement for the Navy  
24 as follows:

25 (1) For aircraft, \$5,755,166,000.

26 (2) For weapons, \$3,000,614,000.

1           (3) For shipbuilding and conversion,  
2       \$4,264,647,000.

3           (4) For other procurement, \$2,820,931,000.

4       (b) MARINE CORPS.—Funds are hereby authorized to  
5 be appropriated for fiscal year 1994 for procurement for  
6 the Marine Corps in the amount of \$480,521,000.

7 **SEC. 103. AIR FORCE.**

8       Funds are hereby authorized to be appropriated for  
9 fiscal year 1994 for procurement for the Air Force as fol-  
10 lows:

11           (1) For aircraft, \$4,041,664,000.

12           (2) For missiles, \$4,245,404,000.

13           (3) For other procurement, \$7,610,888,000.

14 **SEC. 104. DEFENSE AGENCIES.**

15       Funds are hereby authorized to be appropriated for  
16 fiscal year 1994 for procurement for the Defense Agencies  
17 in the amount of \$2,044,971,000.

18 **SEC. 105. DEFENSE INSPECTOR GENERAL.**

19       Funds are hereby authorized to be appropriated for  
20 fiscal year 1994 for procurement for the Inspector General  
21 of the Department of Defense in the amount of \$600,000.

22 **SEC. 106. RESERVE COMPONENTS.**

23       Funds are hereby authorized to be appropriated for  
24 fiscal year 1994 for procurement of aircraft, vehicles, com-

1 munications equipment, and other equipment for the re-  
2 serve components of the Armed Forces as follows:

3 (1) For the Army National Guard,  
4 \$85,000,000.

5 (2) For the Air National Guard, \$285,000,000.

6 (3) For the Army Reserve, \$65,000,000.

7 (4) For the Naval Reserve, \$55,000,000.

8 (5) For the Air Force Reserve, \$50,000,000.

9 (6) For the Marine Corps Reserve,  
10 \$20,000,000.

11 (7) For reserve component simulation equip-  
12 ment, \$75,000,000.

13 **SEC. 107. CHEMICAL DEMILITARIZATION PROGRAM.**

14 There is hereby authorized to be appropriated for fis-  
15 cal year 1994, \$442,947,000 for—

16 (1) the destruction of lethal chemical agents  
17 and munitions in accordance with section 1412 of  
18 the Department of Defense Authorization Act, 1986  
19 (50 U.S.C. 1521); and

20 (2) the destruction of chemical warfare material  
21 of the United States that is not covered by section  
22 1412 of such Act.

1           **Subtitle B—Army Programs**

2   **SEC. 111. MODIFIED M113 CARRIERS AND AGT-1500 TUR-**  
3                   **BINE ENGINES.**

4           (a) ADDITIONAL AUTHORIZATION OF APPROPRIA-  
5   TIONS.—In addition to the funds authorized to be appro-  
6   priated in section 101, funds are authorized to be appro-  
7   priated for the Army for procurement of modified M113  
8   carriers and AGT-1500 turbine engines in the amount of  
9   \$148,000,000.

10          (b) LIMITATION.—None of the funds appropriated  
11   pursuant to the authorization in subsection (a) may be  
12   obligated during fiscal year 1994.

13   **SEC. 112. NUCLEAR, BIOLOGICAL, AND CHEMICAL PROTEC-**  
14                   **TIVE MASKS.**

15          Of the unobligated balance of the funds appropriated  
16   for the Army for fiscal year 1993 for other procurement,  
17   \$9,300,000 shall be available, to the extent provided in  
18   appropriations Acts, for procurement of M40/M42 nu-  
19   clear, biological, and chemical protective masks.

20   **SEC. 113. CHEMICAL AGENT MONITORING PROGRAM.**

21          Funds appropriated for the Army for fiscal year 1993  
22   for other procurement may not be obligated after the date  
23   of the enactment of this Act for the Improved Chemical  
24   Agent Monitor (ICAM) program.

1     **Subtitle C—Air Force Programs**

2     **SEC. 121. MODERNIZATION OF THE HEAVY BOMBER FORCE.**

3         (a) FUNDING.—Of the amount authorized to be ap-  
4     propriated under section 103—

5             (1) not more than \$37,400,000 shall be avail-  
6     able for procurement of B-52 bomber aircraft; and

7             (2) not more than \$177,355,000 shall be avail-  
8     able for the B-1B bomber aircraft program.

9         (b) LIMITATIONS ON FUNDING.—Of the total amount  
10     made available pursuant to subsection (a) for the pro-  
11     grams referred to in such subsection—

12             (1) none of such amount may be obligated or  
13     expended until all of the requirements set forth in  
14     section 152 of the National Defense Authorization  
15     Act for Fiscal Year 1993 (Public Law 102-484; 106  
16     Stat. 2340) have been met; and

17             (2) not more than 50 percent of such amount  
18     may be expended before the commencement of flight  
19     testing in accordance with the test plan required by  
20     section 152(a) of such Act.

21     **SEC. 122. B-2 BOMBER AIRCRAFT PROGRAM.**

22         (a) AMOUNT FOR PROGRAM.—Subject to subsection

23     (b), of the amount appropriated to the Air Force pursuant  
24     to section 103(1) for fiscal year 1994 for procurement of

1 aircraft, not more than \$626,200,000 may be obligated  
2 for the B-2 bomber aircraft program.

3 (b) LIMITATIONS ON OBLIGATION.—(1) None of the  
4 funds made available for fiscal year 1994 for the B-2  
5 bomber aircraft program may be obligated until the Sec-  
6 retary of Defense has submitted to the congressional de-  
7 fense committees the certifications and reports described  
8 in section 151(d)(1) of the National Defense Authoriza-  
9 tion Act for Fiscal Year 1993 (Public Law 102-484; 106  
10 Stat. 2339).

11 (2) Of the unobligated balances of funds authorized  
12 to be appropriated for procurement of B-2 aircraft for fis-  
13 cal years 1992, 1993, and 1994, none of such funds may  
14 be obligated until—

15 (A) the Secretary of the Air Force—

16 (i) has entered into a definitized produc-  
17 tion contract with the prime contractor for air  
18 vehicles 17 through 21; or

19 (ii) has submitted to the congressional de-  
20 fense committees a report setting forth the rea-  
21 sons that a definitized contract cannot be en-  
22 tered into; and

23 (B) the Secretary of Defense has submitted to  
24 such committees a certification that the Department  
25 of the Air Force is in full compliance with the B-



2 correction-of-deficiency requirements set forth in  
section 117(d) of Public Law 101-189 (103 Stat.  
1376) in all aspects of deficiency correction.

4 **SEC. 123. ACCESS BY COMPTROLLER GENERAL TO INFOR-**  
5 **MATION ON HEAVY BOMBER PROGRAMS.**

6 The Secretary of Defense shall take all actions that  
7 are necessary to ensure that the Comptroller General of  
8 the United States and employees of the Government Ac-  
9 counting Office designated by the Comptroller General  
10 have full, free, and prompt access to data, reports, and  
11 analyses generated by or on behalf of the Department of  
12 the Air Force (including by Air Force contractors) that  
13 relate to operation, maintenance, repair, and moderniza-  
14 tion of heavy bombers, and the plans of the Air Force for  
15 operation, maintenance, repair, and modernization of  
16 heavy bombers in the future.

**17 SEC. 124. C-17 AIRCRAFT PROGRAM.**

(a) FISCAL YEAR 1994 LIMITATION.—None of the funds appropriated for the Department of Defense for fiscal year 1994 may be made available for procurement of C-17 aircraft until—

(1) all limitations and requirements set forth in subsections (b), (c), (d), (f), and (g) of section 134 of the National Defense Authorization Act for Fiscal

1 Year 1993 (Public Law 102–484; 106 Stat. 2335)  
2 are satisfied; and

3 (2) the Secretary of Defense submits to the  
4 congressional defense committees a report on the C–  
5 17 acquisition program that contains—

6 (A) the results of the special Defense Ac-  
7 quisition Board review of the program;

8 (B) a discussion of the corrective actions  
9 to be taken by the Air Force with regard to  
10 such program;

11 (C) a discussion of the corrective actions to  
12 be taken by the contractor with regard to such  
13 program; and

14 (D) the findings and recommendations of  
15 the special Defense Science Board group result-  
16 ing from the investigation of the program by  
17 that group.

18 (b) FISCAL YEAR 1995 LIMITATION.—None of the  
19 funds appropriated for the Department of Defense for fis-  
20 cal year 1995 that are made available for the C–17 air-  
21 craft program (other than funds for advance procurement)  
22 may be obligated before the Secretary of Defense submits  
23 to the congressional defense committees a report contain-  
24 ing a review of the airlift requirements of the Armed  
25 Forces. The review shall—

1 (1) be based on an analysis by a federally fund-  
2 ed research and development center; and

3 (2) reflect consideration of—

4 (A) the changes in total airlift require-  
5 ments resulting from the disintegration of the  
6 Warsaw Pact and Soviet Union that eliminate  
7 any major trans-Atlantic airlift requirement for  
8 Europe;

9 (B) the change in airlift requirements from  
10 requirements for airlift of large quantities of  
11 outsize cargo for reinforcement of the North  
12 Atlantic Treaty Organization (NATO) forces to  
13 requirements for airlift in connection with such  
14 lesser regional contingencies and humanitarian  
15 operations as Operation Desert Shield, Oper-  
16 ation Desert Storm, and Operation Restore  
17 Hope;

18 (C) the potential contribution that planned  
19 strategic sealift improvements can make  
20 toward—

21 (i) reducing the total demand for air-  
22 lift; and

23 (ii) changing the type of cargo that  
24 airlift aircraft must carry;

1 (D) the declining demand for conducting  
2 airlift operations in austere airfield environ-  
3 ments; and

4 (E) the trade-off between purchasing the  
5 type of additional capability that the C-17 air-  
6 craft can provide and purchasing and employing  
7 additional support equipment that would in-  
8 crease the cargo airlift capability of commercial  
9 cargo aircraft.

10 (c) LIMITATION ON ACQUISITION OF MORE THAN 5  
11 AIRCRAFT.—Funds appropriated for the Department of  
12 Defense for fiscal years after fiscal year 1993 that are  
13 made available for the C-17 aircraft program (other than  
14 funds for advance procurement) may not be obligated to  
15 produce more than 5 C-17 aircraft until the program  
16 meets the following milestones:

17 (1) Clearance of flight envelope with respect to  
18 altitude and speed.

19 (2) Takeoff of aircraft at a gross weight of  
20 580,000 pounds and 160,000 pounds payload within  
21 a critical field length of 8500 feet at sea level and  
22 90 degrees Fahrenheit day conditions (or equivalent  
23 results under other conditions).

24 (3) Backing aircraft up a two degree slope with  
25 a gross weight of 510,000 pounds.

1           (4) Unassisted 180 degree turn of aircraft on  
2       a paved runway of load classification group IV in  
3       less than 90 feet, using three maneuvers.

4           (5) Completion of static article ultimate load  
5       (150 percent of design limit load) test condition S.P.  
6       5030 for wing up bending.

7           (6) Completion of electromagnetic radiation,  
8       electromagnetic compatibility, and lightening tests.

9           (7) Low velocity air drop of 5,000-pound, 8-foot  
10      length platform.

11          (8) Sequential air drop of multiple simulated  
12      paratroop dummies from both paratroop doors.

13          (9) A minimum unit equivalent assembly rate of  
14      6.0 assemblies per year, as measured by the ratio of  
15      annualized standard hours earned to that required  
16      to assemble one aircraft from the beginning of as-  
17      sembly to the completion of assembly prior to move-  
18      ment to the ramp at the prime contractor's facilities.

19          (10) For all aircraft scheduled for delivery in  
20      the prior 6-month period, delivery of each aircraft  
21      within one month of scheduled delivery date.

22      (d) LIMITATION ON ACQUISITION OF MORE THAN 8  
23      AIRCRAFT.—Funds appropriated for the Department of  
24      Defense for fiscal years after fiscal year 1993 that are  
25      made available for the C-17 aircraft program (other than

1 funds for advance procurement) may not be obligated to  
2 produce more than 8 aircraft until the program meets the  
3 following additional milestones:

4 (1) Clearance of flight envelope with respect to  
5 loads.

6 (2) Estimate of payload meets 95 percent of the  
7 requirement provided in the full-scale development  
8 contract for the key performance parameters for  
9 payload-to-range systems performance.

10 (3) Operational clearance for aircraft to be air  
11 refueled from operational KC-10 and KC-135 air-  
12 craft at standard Air Force refueling speeds for the  
13 specific tanker in a single receiver formation.

14 (4) Demonstration of combat offload with two  
15 463L pallets using the air delivery system rails.

16 (5) Airdrop of 70 paratroopers on one pass,  
17 using both paratroop doors.

18 (6) Low velocity air drop of 30,000-pound, 24-  
19 foot length platform.

20 (e) LIMITATION ON ACQUISITION OF MORE THAN 10  
21 AIRCRAFT.—Funds appropriated for the Department of  
22 Defense for fiscal years after fiscal year 1993 that are  
23 made available for the C-17 aircraft program (other than  
24 funds for advance procurement) may not be obligated to

1 produce 11 or 12 aircraft until the program meets the fol-  
2 lowing additional milestones:

3 (1) Estimate of payload meets 97.5 percent of  
4 the requirement provided in the full-scale develop-  
5 ment contract for the key performance parameters  
6 for payload-to-range systems performance.

7 (2) Landing of aircraft with a payload of  
8 160,000 pounds and fuel necessary to fly 300 nau-  
9 tical miles on a 3,000-foot long, 90-foot wide, and  
10 load classification group IV runway at sea level, 90  
11 degrees Fahrenheit day conditions (or equivalent re-  
12 sults under other conditions).

13 (3) Low altitude parachute extraction system  
14 delivery of a 20,000-pound cargo.

15 (4) Simultaneous and sequential container de-  
16 livery system airdrop of 30 bundles.

17 (5) Low velocity air drop of 42,000-pound plat-  
18 form.

19 (6) Satisfactory completion of one lifetime of  
20 testing of durability article.

21 (7) Air vehicle mean time between removal at  
22 cumulative flying hours to date of measurement indi-  
23 cates that the mature requirement established in the  
24 full-scale development contract will be met.

1 (f) FUNDING OUT OF NATIONAL DEFENSE STRATE-  
2 GIC LIFT FUND.—Funds appropriated for the Depart-  
3 ment of Defense for fiscal year 1994 may be made avail-  
4 able for procurement of the C-17 aircraft only in accord-  
5 ance with section 2218 of title 10, United States Code.

6 **SEC. 125. JOINT PRIMARY AIRCRAFT TRAINING SYSTEM.**

7 No funds appropriated for the Department of De-  
8 fense pursuant to an authorization contained in this Act  
9 or any Act enacted after the date of the enactment of this  
10 Act may be obligated or expended to procure Joint Pri-  
11 mary Aircraft Training System aircraft until the Sec-  
12 retary of Defense certifies to the congressional defense  
13 committees that the cockpit and ejection seat of such air-  
14 craft have been designed for safe and effective operation  
15 of the aircraft and ejection system by at least 95 percent  
16 of the male pilot trainees and 95 percent of the female  
17 pilot trainees.

18 **SEC. 126. SOLID ROCKET MOTOR UPGRADE PROGRAM.**

19 (a) PROHIBITION ON USE OF FUNDS.—Funds appro-  
20 priated to the Department of Defense may be used for  
21 implementing a supplemental agreement described in sec-  
22 tion 9164 of Public Law 102-396 only under the authori-  
23 ties in subsection (b).

24 (b) ACTIONS AUTHORIZED.—The Secretary of De-  
25 fense may—



1           (1) restructure the provisions of contract  
2       F04701-85-C-0019 (hereafter in this subsection re-  
3       ferred to as the “prime contract”) and enter into an  
4       agreement to reimburse the subcontractor for the  
5       Solid Rocket Motor Upgrade (SRMU) subcontract  
6       under such prime contract (hereafter in this sub-  
7       section referred to as the “SRMU subcontractor”)  
8       for the costs incurred by the subcontractor for devel-  
9       opment and tooling related to the subcontract;

10          (2) reimburse the SRMU subcontractor for  
11       working capital expenses related to the subcontract  
12       only after consultation with the Comptroller General  
13       of the United States regarding whether such ex-  
14       penses are allowable under applicable laws;

15          (3) settle claims arising from disputes between  
16       the SRMU subcontractor and prime contractor;

17          (4) transfer funds to reimburse the subcontrac-  
18       tor in accordance with paragraphs (1), (2) and (3);

19          (5) if the Secretary enters into an agreement to  
20       pay the SRMU subcontractor in accordance with  
21       paragraphs (1), (2) and (3), take such actions as are  
22       necessary to ensure that competitive procedures are  
23       used for awarding contracts in any future procure-  
24       ments of solid rocket motors for the Titan IV launch  
25       system;

1           (6) take such actions as are necessary to reduce  
2           or eliminate concurrency in the Solid Rocket Motor  
3           Upgrade program;

4           (7) change the type of the subcontract used for  
5           the Solid Rocket Motor Upgrade production sub-  
6           contract and adjust the ceiling price for the prime  
7           contract accordingly, but only with respect to the  
8           Solid Rocket Motor Upgrade production subcontract;  
9           and

10          (8) if the Secretary decides to reimburse the  
11          SRMU subcontractor for development costs, tooling,  
12          and claims resulting from the termination or modi-  
13          fication of the subcontract, terminate the Solid  
14          Rocket Motor Upgrade production subcontract or  
15          modify such subcontract regarding the production  
16          quantities and production rates.

17          (c) RELATIONSHIP OF TRANSFER AUTHORITY TO  
18          OTHER TRANSFER AUTHORITY.—The authority provided  
19          in subsection (b)(4) is not in addition to any other transfer  
20          authority provided in this or any other Act.

## 21           **Subtitle D—Other Programs**

### 22          **SEC. 131. ALQ-135 JAMMER DEVICE.**

23          Subsection 182(b)(2) of Public Law 101-510 is  
24          amended by striking out “meets or exceeds all operational

1 criteria established for the program” and inserting in lieu  
2 thereof “is operationally effective and suitable”.

3 **SEC. 132. FUNDING FOR CERTAIN TACTICAL INTELLIGENCE**  
4 **PROGRAMS.**

5 Notwithstanding the limitation in section 141 of Pub-  
6 lic Law 102–484 (106 Stat. 2338), funds authorized to  
7 be appropriated under such section are authorized to be  
8 made available for the following purposes:

9 (1) To complete EP–3 Aries conversion-in-lieu-  
10 of-procurement for the remainder of the EP–3 Aries  
11 aircraft fleet.

12 (2) To upgrade communications of the EP–3  
13 Aries aircraft fleet to permit dissemination of col-  
14 lected data.

15 (3) To complete standardization of the RC–135  
16 Rivet Joint aircraft fleet to Block III Baseline 6  
17 configuration.

18 **SEC. 133. GLOBAL POSITIONING SYSTEM.**

19 (a) PROGRAM STUDY REQUIRED.—(1) The Secretary  
20 of Defense shall provide for an independent study to be  
21 conducted on the management and funding of the Global  
22 Positioning System program for the future.

23 (2) With the agreement of the National Academy of  
24 Sciences and the National Academy of Public Administra-

1 tion, the study shall be conducted jointly by those organi-  
2 zations.

3 (3) Of the amounts authorized to be appropriated to  
4 the Department of Defense for fiscal year 1994 and made  
5 available for procurement of Global Positioning System  
6 user equipment, for procurement of spacecraft, or for op-  
7 erations and maintenance, \$5,000,000 may be used for  
8 carrying out the study required by paragraph (1).

9 (b) LIMITATION ON PROCUREMENT OF SYSTEMS  
10 NOT GPS EQUIPPED.—Funds may not be obligated after  
11 September 30, 2000, to modify or procure any Depart-  
12 ment of Defense aircraft, ship, armored vehicle, or indirect  
13 fire weapon system that is not equipped with a Global Po-  
14 sitioning System receiver.

15 (c) REPORTING REQUIREMENT.—Not later than May  
16 1, 1994, the Secretary of Defense, in coordination with  
17 the Director of Central Intelligence, shall submit to the  
18 congressional defense committees, the Select Committee  
19 on Intelligence of the Senate, and the Permanent Select  
20 Committee on Intelligence of the House of Representatives  
21 a report on the following questions:

22 (1) What, if any, threats to the health and safe-  
23 ty of United States military forces, allied military  
24 forces, and the United States and allied civilian pop-  
25 ulations, and what, if any, threats of damage to

1 property within the United States and allied coun-  
2 tries, will result by the year 2000 from Global Posi-  
3 tioning System navigation signals, local and wide-  
4 area differential navigation correction signals, kine-  
5 matic differential correction signals, and commer-  
6 cially available map products based on the Global  
7 Positioning System?

8 (2) What, if any, threat to civil aviation and  
9 other transportation operations will result by the  
10 year 2000 from the signal jamming, deception, and  
11 other disruptive effects of Global Positioning System  
12 navigation signals?

13 (3) What, if any, actions can be taken to elimi-  
14 nate or mitigate such threats?

15 (4) What, if any, modifications of the Global  
16 Positioning System and derivative systems can be  
17 made to eliminate or significantly reduce such  
18 threats, or to increase the ability of the Department  
19 of Defense to mitigate such threats, without inter-  
20 fering with authorized and peaceful uses of the Glob-  
21 al Positioning System?

22 **SEC. 134. SENSE OF CONGRESS ON EXPEDITING SEALIFT**  
23 **PROCUREMENT.**

24 (a) FINDINGS.—The Congress makes the following  
25 findings:

1           (1) The Joint Chiefs of Staff have verified the  
2           urgent need for increased sealift.

3           (2) The Persian Gulf war provided graphic evi-  
4           dence of the United States longstanding need for in-  
5           creased sealift.

6           (3) The Congress has appropriated funds for a  
7           sealift program in each of the past four fiscal years.

8           (4) The United States shipbuilding industry  
9           and its supplier base would benefit, economically and  
10          through sustained employment, from increased ship  
11          conversion as well as from new ship construction.

12          (5) Maintaining or increasing ship conversion  
13          and construction helps to preserve the industrial  
14          base required for effective national defense.

15          (6) Enhanced sealift capacity is a vital require-  
16          ment for the national security of the United States.

17          (b) EXPEDITED PROCUREMENT.—It is the sense of  
18          the Congress that the Secretary of the Navy should move  
19          expeditiously to award sealift conversion and construction  
20          contracts that represent a fair price to the taxpayer.

21       **SEC. 135. PERMANENT AUTHORITY TO CARRY OUT AWACS**

22                       **MEMORANDA OF UNDERSTANDING.**

23          Section 2350e of title 10, United States Code, is  
24          amended by striking out subsection (d).

1 **TITLE II—RESEARCH, DEVELOP-**  
2 **MENT, TEST, AND EVALUA-**  
3 **TION**

4 **Subtitle A—Authorizations**

5 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

6 Funds are hereby authorized to be appropriated for  
7 fiscal year 1994 for the use of the Armed Forces for re-  
8 search, development, test, and evaluation as follows:

9 (1) For the Army, \$5,303,738,000.

10 (2) For the Navy, \$8,338,931,000.

11 (3) For the Air Force, \$12,681,597,000.

12 (4) For the Defense Agencies, \$9,765,951,000,

13 of which—

14 (A) \$252,592,000 is authorized for the ac-  
15 tivities of the Deputy Director, Defense Re-  
16 search and Engineering (Test and Evaluation);  
17 and

18 (B) \$12,650,000 is authorized for the Di-  
19 rector of Operational Test and Evaluation.

20 **SEC. 202. AMOUNT FOR BASIC RESEARCH AND EXPLOR-**  
21 **ATORY DEVELOPMENT.**

22 (a) FISCAL YEAR 1994.—Of the amounts authorized  
23 to be appropriated by section 201, \$4,549,445,000 shall  
24 be available for basic research and exploratory develop-  
25 ment projects.

1 (b) BASIC RESEARCH AND EXPLORATORY DEVELOP-  
2 MENT DEFINED.—For purposes of this section, the term  
3 “basic research and exploratory development” means work  
4 funded in program elements for defense research and de-  
5 velopment under Department of Defense category 6.1 or  
6 6.2.

7 **SEC. 203. STRATEGIC ENVIRONMENTAL RESEARCH AND DE-**  
8 **VELOPMENT PROGRAM.**

9 Of the amounts authorized to be appropriated by sec-  
10 tion 201, \$200,000,000 shall be available for the Strategic  
11 Environmental Research and Development Program.

12 **SEC. 204. FUNDING FOR DEFENSE CONVERSION AND REIN-**  
13 **VESTMENT RESEARCH AND DEVELOPMENT**  
14 **PROGRAMS.**

15 Of the amounts authorized to be appropriated under  
16 section 201—

17 (1) \$10,000,000 shall be available for the na-  
18 tional defense program for analysis of the technology  
19 and industrial base under section 2503 of title 10,  
20 United States Code;

21 (2) \$150,000,000 shall be available for defense  
22 dual-use critical technology partnerships established  
23 under section 2511 of such title;



1           (3) \$100,000,000 shall be available for commer-  
2           cial-military integration partnerships established  
3           under section 2512 of such title;

4           (4) \$100,000,000 shall be available for assist-  
5           ance of regional technology alliances under section  
6           2513 of such title;

7           (5) \$30,000,000 shall be available for defense  
8           advanced manufacturing technology partnerships es-  
9           tablished under section 2522 of such title;

10          (6) \$100,000,000 shall be available for support  
11          of defense manufacturing technology extension pro-  
12          grams under section 2523 of such title;

13          (7) \$25,000,000 shall be available for defense  
14          manufacturing engineering education grants under  
15          section 2196 of such title;

16          (8) \$10,000,000 shall be available for support  
17          of manufacturing experts in the classroom program  
18          under section 2197 of such title;

19          (9) \$30,000,000 shall be available for the ad-  
20          vanced materials synthesis and processing partner-  
21          ship program; and

22          (10) \$50,000,000 shall be available for the agile  
23          manufacturing/enterprise integration program.

1 **Subtitle B—Program Requirements, Restrictions, and Limita-**  
2 **ments, Restrictions, and Limita-**  
3 **tions**

4 **SEC. 211. KINETIC ENERGY ANTISATELLITE PROGRAM.**

5 (a) CONVERSION OF PROGRAM.—The Secretary of  
6 Defense shall convert the Kinetic Energy Antisatellite  
7 (KE-ASAT) Program to a tactical antisatellite tech-  
8 nologies program.

9 (b) LEVEL PROGRAM.—Engineering development  
10 under the program shall continue at a level of  
11 \$10,000,000 in fiscal year 1994.

12 (c) DEVELOPMENT OF MOST CRITICAL TECH-  
13 NOLOGIES.—The amount referred to in subsection (b)  
14 shall be available for engineering development of the most  
15 critical antisatellite technologies.

16 **SEC. 212. JAVELIN MISSILE PROGRAM.**

17 (a) LIMITATION.—Of the funds authorized to be ap-  
18 propriated in section 201(1), not more than \$34,937,000  
19 may be obligated for the Javelin missile program until the  
20 Secretary of Defense certifies to the congressional defense  
21 committees that the Under Secretary of Defense for  
22 Acquisition—

23 (1) has conducted a thorough review of such  
24 program;

1           (2) has determined that the cost problems with  
2           the Javelin missile development and production are  
3           under control;

4           (3) has completed a cost-effectiveness evalua-  
5           tion and determined that the Javelin missile should  
6           enter production; and

7           (4) has approved an enhanced producibility plan  
8           developed by the Army.

9           (b) COST GROWTH REPORT.—The Secretary of De-  
10          fense shall submit to Congress a report on the total extent  
11          of the increase in the cost of the Javelin program. The  
12          Secretary shall include in the report the Secretary's as-  
13          sessment of the extent of the contractor's liability for the  
14          increased cost and the actions being taken by or on behalf  
15          of the United States to obtain compensation for the con-  
16          tractor's share of the responsibility for the increased cost.

17       **SEC. 213. PLAN FOR TESTING NEW ELECTRONIC COUNTER-**  
18       **MEASURES SYSTEM FOR B-1B BOMBERS.**

19          (a) REQUIREMENT FOR PLAN.—The Secretary of De-  
20          fense shall develop a plan for testing the new electronic  
21          countermeasures system being developed for the B-1B  
22          bomber.

23          (b) CONTENT OF PLAN.—The plan shall contain—

24               (1) a detailed description of plans for devel-  
25               opmental testing and for operational testing, includ-

1       ing early operational testing by the Director of  
2       Operational Test and Evaluation; and

3               (2) a full description of the range of test pa-  
4       rameters, including B-1B bomber flight conditions,  
5       individual threat systems against which counter-  
6       measures will be tested, and testing of counter-  
7       measures in the presence of multiple threats.

8       (c) SUBMISSION OF PLAN.—(1) The Secretary shall  
9       submit the plan to the congressional defense committees.  
10       (2) The Secretary shall provide a copy of the plan  
11       to the Director of Operational Test and Evaluation.

12       (d) REVIEW AND COMMENT.—The Director of Oper-  
13       ational Test and Evaluation shall review the plan and sub-  
14       mit any comments on the plan to the Secretary and di-  
15       rectly to the congressional defense committees.

16       (e) SCOPE OF REVIEW.—The review required under  
17       subsection (d) shall include—

18               (1) the adequacy of the test plan to permit  
19       measurement of the extent to which the new elec-  
20       tronic countermeasures system, if procured and in-  
21       stalled in all B-1B bombers, would improve the sur-  
22       vivability of B-1B bombers;

23               (2) the adequacy of available threat simulators  
24       to characterize threats that the B-1B bomber is

1       likely to encounter on conventional bombing mis-  
2       sions;

3           (3) the contribution of the new electronic coun-  
4       termeasures system to the effectiveness of the em-  
5       ployment of B-1B bombers on conventional bombing  
6       missions if the new electronic countermeasures sys-  
7       tem were installed on all B-1B bomber aircraft; and

8           (4) such other matters as the Director of Oper-  
9       ational Test and Evaluation considers significant.

10       (f) AVAILABILITY OF AUTHORIZED FUNDS.—Of the  
11       amount authorized to be appropriated under section  
12       201(3), not more than \$43,500,000 shall be available for  
13       the new electronic countermeasures system under the B-  
14       1B bomber aircraft program.

15       (g) LIMITATIONS.—(1) None of the funds made avail-  
16       able pursuant to subsection (f) may be obligated until all  
17       of the requirements set forth in section 152 of the Na-  
18       tional Defense Authorization Act for Fiscal Year 1993  
19       (Public Law 102-484; 106 Stat. 2340) have been met.

20       (2) Of the amount made available pursuant to sub-  
21       section (f), not more than \$20,000,000 may be obligated  
22       until the plan required by subsection (a) has been submit-  
23       ted to the congressional defense committees.

1 **SEC. 214. SPACE LAUNCH PLAN.**

2 (a) **PLAN REQUIRED.**—The Secretary of Defense  
3 shall develop a space launch plan that contains clearly de-  
4 fined priorities, goals, and milestones regarding new space  
5 launch vehicles and technology. The Secretary shall sub-  
6 mit the plan to Congress at the same time that he submits  
7 to Congress the future years defense program in 1994  
8 pursuant to section 221 of title 10, United States Code.

9 (b) **SELECTION OF LAUNCH VEHICLE OPTIONS.**—Of  
10 the amount authorized to be appropriated in section  
11 201(3) and to be made available for research, develop-  
12 ment, test, and evaluation of new space launch systems  
13 and technology, the Secretary of Defense shall allocate not  
14 less than 75 percent of such amount to one of the follow-  
15 ing options for a space launch system:

16 (1) A comprehensive demonstration of high-  
17 risk, far-term launch technology, such as reusable  
18 single-stage-to-orbit and air-breathing propulsion.

19 (2) A competitive acquisition program for a du-  
20 rable and inexpensive expendable or reusable launch  
21 vehicle with an initial operational capability date  
22 early in the next decade.

23 (3) A program to modify existing launch vehi-  
24 cles to achieve decreased cost and increased respon-  
25 siveness.

1       (c) LIMITATION.—Not more than one-third of the  
2 amount authorized to be appropriated in section 201(3)  
3 and to be made available for research, development, test,  
4 and evaluation of new space launch systems and tech-  
5 nology may be obligated until the Secretary certifies to  
6 the congressional defense committees that the option se-  
7 lected for funding in accordance with subsection (b) is  
8 fully funded in the future years defense program referred  
9 to in subsection (a).

10       (d) USE OF FOREIGN LAUNCH VEHICLES.—(1) The  
11 Secretary of Defense shall conduct one or more studies  
12 to determine the potential for using space launch vehicles  
13 of foreign countries to launch United States national secu-  
14 rity payloads. The studies shall be conducted with the goal  
15 of determining whether the use of such launch vehicles  
16 would result in reduced costs for launches of national se-  
17 curity payloads, increased competition in the furnishing  
18 of space launch vehicles for launching such payloads, and  
19 a reduction in the excessive United States space launch  
20 industrial base.

21       (2) Of the funds authorized to be appropriated under  
22 section 201(3) and to be made available for research, de-  
23 velopment, test, and evaluation of new space launch sys-  
24 tems and technology, the Secretary of Defense shall allo-

1 cate up to \$5,000,000 for conducting studies described in  
2 paragraph (1).

3 (e) REQUIREMENT REGARDING DEVELOPMENT OF  
4 NEW LAUNCH VEHICLES.—If the Secretary of Defense se-  
5 lects an option referred to in paragraph (1) or (2) of sub-  
6 section (b) for full funding in the future years defense plan  
7 referred to in subsection (a), the Secretary shall explore  
8 innovative government-industry funding, management,  
9 and acquisition strategies to minimize the cost and time  
10 involved.

11 (f) REQUIREMENT REGARDING MODIFICATION OF  
12 EXISTING LAUNCH VEHICLES.—If the Secretary of De-  
13 fense selects the option referred to in paragraph (3) of  
14 subsection (b) for full funding under the future years de-  
15 fense plan referred to in subsection (a), the Secretary's  
16 plan shall provide for Department of Defense use of one  
17 medium-lift launch vehicle for satellite payloads instead of  
18 three medium-lift launch vehicles. The Secretary shall use  
19 competitive procedures to select the supplier of medium-  
20 lift launch vehicles.

21 (g) COST REDUCTION REQUIREMENT.—The plan  
22 shall provide for reducing the cost of producing existing  
23 launch vehicles at current and projected production rates  
24 below the current estimates of the costs for such produc-  
25 tion rates.



1 **SEC. 215. MEDICAL COUNTERMEASURES AGAINST**  
2 **BIOWARFARE THREATS.**

3 (a) FUNDING.—Of the amounts appropriated pursu-  
4 ant to section 201 for fiscal year 1994, not more than  
5 \$108,300,000 shall be available for the medical component  
6 of the Biological Defense Research Program (BDRP) of  
7 the Department of Defense.

8 (b) LIMITATIONS.—(1) Funds appropriated or other-  
9 wise made available for the Department of Defense for  
10 fiscal year 1994 may be obligated and expended for prod-  
11 uct development, and for research, development, testing,  
12 and evaluation, of medical countermeasures against  
13 biowarfare threat agents only in accordance with this sec-  
14 tion.

15 (2) Of the funds made available pursuant to sub-  
16 section (a), not more than \$10,000,000 may be obligated  
17 or expended for research, development, test, or evaluation  
18 of medical countermeasures against far-term validated  
19 biowarfare threat agents.

20 (3) Of the funds made available pursuant to sub-  
21 section (a), other than funds made available pursuant to  
22 paragraph (2) for the purpose set out in that paragraph—

23 (A) not more than 80 percent may be obligated  
24 and expended for product development, or for re-  
25 search, development, test, or evaluation, of medical

1 countermeasures against near-term validated  
2 biowarfare threat agents; and

3 (B) not more than 20 percent may be obligated  
4 or expended for product development, or for re-  
5 search, development, test, or evaluation, of medical  
6 countermeasures against mid-term validated  
7 biowarfare threat agents.

8 (c) DEFINITIONS.—In this section, the terms “vali-  
9 dated biowarfare threat agent”, “near-term validated  
10 biowarfare threat agent”, “mid-term validated biowarfare  
11 threat agent”, and “far-term validated biowarfare threat  
12 agent” have the meanings given such terms, respectively,  
13 in section 241(c) of the National Defense Authorization  
14 Act for Fiscal Year 1993 (Public Law 102–484, 106 Stat.  
15 2359).

16 **SEC. 216. BASELINE REPORT FOR THE ARROW TACTICAL**  
17 **BALLISTIC MISSILE DEFENSE SYSTEM.**

18 (a) BASELINE REPORT REQUIRED.—Not later than  
19 April 1, 1994, the Secretary of Defense shall submit to  
20 the congressional defense committees a baseline report on  
21 the Arrow tactical ballistic missile defense system of Is-  
22 rael. The Secretary shall design the report to provide such  
23 committees with the information the committees need to  
24 perform their oversight function.

1 (b) CONTENT OF REPORT.—At a minimum, the re-  
2 port shall include the following matters:

3 (1) The development and procurement sched-  
4 ules for the program.

5 (2) The estimated total cost of the program.

6 (3) The estimated total cost to the United  
7 States of involvement in the program, including  
8 funding provided through foreign military sales fi-  
9 nancing under the Arms Export Control Act.

10 (4) The same or similar kinds of information  
11 that are included for a major defense acquisition  
12 program in a Selected Acquisition Report submitted  
13 pursuant to section 2432 of title 10, United States  
14 Code, to the extent that the Secretary can adapt the  
15 information requirements of that section for applica-  
16 tion to the Arrow tactical ballistic missile defense  
17 system.

18 (5) An assessment of the performance of the  
19 Arrow system.

20 (6) An evaluation of the development and pro-  
21 duction risks under the program.

22 (7) Alternatives to the Arrow system for meet-  
23 ing the tactical ballistic missile defense needs of Is-  
24 rael, including providing Israel with an existing or  
25 planned United States weapon system.

1 (8) For each such alternative—

2 (A) an assessment of the cost effectiveness  
3 of undertaking the alternative;

4 (B) the technology transfer implications;  
5 and

6 (C) the weapon proliferation implications.

7 (c) FORMS OF REPORT.—The Secretary shall submit  
8 the report in classified and unclassified versions.

9 **SEC. 217. LIMITATIONS REGARDING FEDERALLY FUNDED**  
10 **RESEARCH AND DEVELOPMENT CENTERS.**

11 (a) LIMITATIONS.—(1) Funds appropriated or other-  
12 wise made available for the Department of Defense for  
13 fiscal year 1994 pursuant to an authorization of appro-  
14 priations in section 201 may be obligated for procuring  
15 work from any federally funded research and development  
16 center named in the table in paragraph (2) subject to the  
17 limitations set forth for such center in that table.

18 (2) The table referred to in paragraph (1) is as fol-  
19 lows:

Federally fund- ed research and development center:	Type of work for which funds may be obligated:	Maximum amount that may be obli- gated:	Maximum number of MTS-years that may be pro- cured:
Center for Naval Analysis.	(unspecified)	\$45,400,000	230
Institute for De- fense Analysis.	Systems and engineering in connection with oper- ational test and evalua- tion.	\$13,500,000	76

<b>Federally funded research and development center:</b>	<b>Type of work for which funds may be obligated:</b>	<b>Maximum amount that may be obligated:</b>	<b>Maximum number of MTS-years that may be procured:</b>
	Research and development in connection with command, control, communications, and intelligence.	\$33,500,000	136
	Studies and analysis.	\$56,000,000	300
Rand Project Air Force.	(unspecified)	\$24,000,000	116
National Defense Research Institute.	(unspecified)	\$23,200,000	115
Arroyo Center.	(unspecified)	\$21,000,000	104
Logistics Management Institute.	(unspecified)	\$25,690,000	96
Aerospace Corporation.	(unspecified)	\$376,770,000	2,165
MIT Lincoln Laboratory.	(unspecified)	\$299,300,000	994
Mitre .....	(unspecified)	\$399,700,000	2,357
Software Engineering Institute.	(unspecified)	\$34,590,000	190
Institute for Advanced Technology.	(unspecified)	\$0	0

(b) **AUTHORITY TO WAIVE LIMITATIONS.**—The Secretary of Defense may waive a limitation regarding a maximum amount or a maximum number of MTS-years that applies under subsection (a) to a federally funded research and development center if—

- (1) the Secretary has notified the congressional defense committees of the proposed waiver and the reasons for the waiver, and the 60-day period that begins on the date of the notification has elapsed; or
- (2) the Secretary determines that it is essential to the national security that funds be obligated for work in excess of that limitation within 60 days and

1 notifies the congressional defense committees of that  
2 determination and the reasons for the determination.

3 (c) REPORT ON ALLOCATIONS FOR CENTERS.—Not  
4 later than 30 days after the date of the enactment of this  
5 Act, the Secretary of Defense shall submit to the congres-  
6 sional defense committees a report containing the follow-  
7 ing information:

8 (1) The proposed funding level and the esti-  
9 mated personnel level for fiscal year 1994 for each  
10 federally funded research and development center.

11 (2) The funding source for that funding level,  
12 by program element, and the amount transferred or  
13 to be transferred from that source to each federally  
14 funded research and development center.

15 (d) LIMITATION PENDING SUBMISSION OF RE-  
16 PORT.—Notwithstanding any other provision of this sec-  
17 tion, no funds appropriated or otherwise made available  
18 for the Department of Defense for fiscal year 1994 may  
19 be obligated to obtain work from any federally funded re-  
20 search and development center until the Secretary of De-  
21 fense has submitted the report required by subsection (c).

22 (e) LIMITATION REGARDING EMPLOYEE COMPENSA-  
23 TION.—(1) Except as provided in paragraph (2), during  
24 fiscal year 1994 no appropriated funds may be used to  
25 pay an employee of a federally funded research and devel-

1 opment center named in the table in subsection (a)(2) at  
2 a higher rate of compensation than the rate of compensa-  
3 tion that the center paid such employee during fiscal year  
4 1993.

5 (2) The Secretary of Defense may waive the applica-  
6 bility of the limitation in paragraph (1) to any federally  
7 funded research and development center that certifies to  
8 the Secretary of Defense that the total expenditures of the  
9 center for fiscal year 1994, including any increases and  
10 planned increases in the rates of compensation for employ-  
11 ees of the center, will be less than the amount equal to  
12 94 percent of the maximum amount set forth for such cen-  
13 ter in the table in subsection (a)(2).

14 (f) DEFINITION.—In this section:

15 (1) The term “MTS-year” means a member of  
16 technical staff-year, as defined by the Secretary of  
17 Defense.

18 (2) The term “technical staff”, with respect to  
19 a federally funded research and development center,  
20 means the following employees of the center:

21 (A) Researchers.

22 (B) Mathematicians.

23 (C) Programmers.

24 (D) Analysts.

25 (E) Economists.

1 (F) Scientists.

2 (G) Engineers.

3 (H) Other employees of the center who  
4 perform professional level technical work pri-  
5 marily in any of the following fields:

6 (i) Studies and analyses.

7 (ii) System engineering and integra-  
8 tion.

9 (iii) Systems planning.

10 (iv) Program and policy planning and  
11 analysis.

12 (v) Basic and applied research.

13 (g) FUNDING.—(1) Of the amounts authorized to be  
14 appropriated to the Department of Defense for research,  
15 development, test, and evaluation for fiscal year 1994 pur-  
16 suant to section 201, not more than \$1,352,650,000 may  
17 be obligated for procuring services from the federally fund-  
18 ed research and development centers listed in the table  
19 in subsection (a)(2).

20 (2) None of the funds authorized to be obligated  
21 under paragraph (1) may be obligated for the procurement  
22 of services from the Institute for Advanced Technology.

23 (h) UNDISTRIBUTED REDUCTION.—The total  
24 amount authorized to be appropriated for research, devel-



1 opment, test, and evaluation in section 201 is hereby re-  
 2 duced by \$200,000,000.

## 3                   **Subtitle C—Missile Defense** 4                   **Programs**

### 5 **SEC. 221. REVISION OF THE MISSILE DEFENSE ACT OF 1991.**

6           (a) TERMINOLOGY AMENDMENTS.—The Missile De-  
 7 fense Act of 1991 (10 U.S.C. 2431 note) is amended—

8                   (1) in section 234(c)(1)—

9                           (A) by striking out “Strategic Defense Ini-  
 10 tiative Organization (SDIO)” and inserting in  
 11 lieu thereof “Ballistic Missile Defense Organiza-  
 12 tion (BMDO)”; and

13                           (B) by striking out “Strategic Defense Ini-  
 14 tiative Organization’s” and inserting in lieu  
 15 thereof “Ballistic Missile Defense Organiza-  
 16 tion’s”;

17                   (2) in section 235—

18                           (A) in the section heading, by striking out  
 19 **“STRATEGIC DEFENSE INITIATIVE”** and in-  
 20 serting in lieu thereof **“BALLISTIC MISSILE**  
 21 **DEFENSE PROGRAM”**; and

22                           (B) in the text of such section, by striking  
 23 out “Strategic Defense Initiative” each place it  
 24 appears and inserting in lieu thereof “Ballistic  
 25 Missile Defense program”;

1 (3) in the heading of section 236, by striking  
2 out “**SDI**” and inserting in lieu thereof “**BMD**”; and

3 (4) in sections 234, 235, and 236, by striking  
4 out “Strategic Defense Initiative Organization” each  
5 place it appears and inserting in lieu thereof “Ballis-  
6 tic Missile Defense Organization”.

7 (b) REPEAL OF FUNDING, REPORTING, AND TRANS-  
8 FER PROVISIONS.—(1) Section 237 of such Act is re-  
9 pealed.

10 (2) Such Act is amended by redesignating sections  
11 238, 239, and 240 as sections 237, 238, and 239, respec-  
12 tively.

13 **SEC. 222. FUNDING OF CERTAIN BALLISTIC MISSILE DE-**  
14 **FENSE PROGRAMS.**

15 (a) FUNDING FOR CERTAIN BALLISTIC MISSILE  
16 RDT&E.—If a decision is not made before February 28,  
17 1994, to proceed into engineering and manufacturing de-  
18 velopment under a weapon system program referred to in  
19 subsection (b), the funds appropriated pursuant to the au-  
20 thorization of appropriations in section 201 that are avail-  
21 able for engineering and manufacturing development for  
22 such a program shall be available for research, develop-  
23 ment, test, and evaluation of the Patriot PAC-3 Missile  
24 program.

1 (b) COVERED WEAPON SYSTEM PROGRAMS.—For  
2 purposes of subsection (a) the weapon system programs  
3 referred to in this subsection are as follows:

4 (1) The Patriot Multimode Missile Program.

5 (2) The Extended Range Interceptor (ERINT)  
6 missile program.

7 **SEC. 223. REQUIREMENT FOR REVIEW OF BALLISTIC MIS-**  
8 **SILE DEFENSE SYSTEMS AND COMPONENTS**  
9 **FOR COMPLIANCE WITH ABM TREATY.**

10 (a) FINDINGS.—Congress makes the following find-  
11 ings:

12 (1) That section 232(a)(1) of the Missile De-  
13 fense Act of 1991 (10 U.S.C. 2431 note) establishes  
14 a goal for the United States to comply with the  
15 ABM Treaty (including any protocol or amendment  
16 thereto) and not develop, test, or deploy any ballistic  
17 missile defense system, or component thereof, in vio-  
18 lation of that treaty (as modified by any protocol or  
19 amendment thereto) while deploying an anti-ballistic  
20 missile system capable of providing a highly effective  
21 defense of the United States against limited attacks  
22 of ballistic missiles.

23 (2) That the Department of Defense has con-  
24 ducted no formal compliance reviews of any of the  
25 components or systems scheduled for early deploy-

1       ment as part of either the Theater Missile Defense  
2       Initiative or the initial limited defense system to be  
3       located at Grand Forks, North Dakota.

4           (3) That the Department of Defense is continu-  
5       ing to obligate hundreds of millions of dollars during  
6       fiscal year 1993 for the development and testing of  
7       systems or components of ballistic missile defense  
8       systems prior to a determination that, if successfully  
9       developed, tested, or deployed, those systems and  
10      components would be in compliance with the ABM  
11      Treaty.

12          (4) That the Department of Defense is request-  
13      ing the authorization and appropriation of additional  
14      funds for continued development of such systems  
15      and components during fiscal year 1994.

16          (5) That the ABM Treaty is not directed at,  
17      nor intended to limit, theater missile defenses that  
18      do not have the capability to counter strategic ballis-  
19      tic missiles, and are not tested in an antiballistic  
20      missile mode, as required by article VI of the ABM  
21      Treaty.

22          (6) That the United States and its allies face  
23      existing threats from theater ballistic missiles (such  
24      as the Chinese-made CSS-2) that are as capable as  
25      some missiles that were categorized as strategic mis-

1       siles for purposes of the SALT I Interim Agreement  
2       of 1972.

3       (b) REQUIRED COMPLIANCE REVIEW.—(1) The Sec-  
4       retary of Defense shall review the program for each sys-  
5       tem and system upgrade specified in paragraph (2), and  
6       the system components, to determine whether the develop-  
7       ment, testing, and deployment of that system or system  
8       upgrade complies with the ABM Treaty.

9       (2) The systems and system upgrades to be reviewed  
10      pursuant to paragraph (1) are as follows:

11           (A) The Patriot Multimode Missile.

12           (B) The Extended Range Interceptor (ERINT).

13           (C) The Ground-Based Radar for theater mis-  
14      sile defenses (GBR-T).

15           (D) The Theater High Altitude Area Defense  
16      interceptor missile (THAAD).

17           (E) The Brilliant Eyes space-based sensor sys-  
18      tem.

19           (F) Upgrades to the AEGIS/SPY radar system  
20      of the Navy.

21           (G) Upgrades to the Standard Missile-2 (SM-  
22      2) interceptor of the Navy.

23      (c) REPORT REQUIRED.—(1) For each system and  
24      system upgrade specified in paragraph (2) of subsection  
25      (b), the Secretary shall submit to the congressional de-

1 fense committees a report on the results of the review re-  
2 quired by that subsection. A report may include the results  
3 of the reviews of more than one system and system up-  
4 grade.

5 (2) With regard to the Brilliant Eyes space-based  
6 sensor, the Secretary shall include in the report findings  
7 on each of the following issues:

8 (A) Would the current baseline configuration of  
9 the Brilliant Eyes space-based sensor comply with  
10 the ABM Treaty if the system were used in conjunc-  
11 tion with the planned ground-based radar system  
12 and its ground-based interceptors at Grand Forks,  
13 North Dakota?

14 (B) If not, can design changes or operational  
15 changes be made to the Brilliant Eyes space-based  
16 sensor that—

17 (i) will result in the usability of the sensor  
18 in conjunction with the planned ground-based  
19 radar system and its ground-based interceptors  
20 being in compliance with the ABM Treaty; and

21 (ii) will not prevent the system from per-  
22 forming its strategic defense missions with a  
23 high degree of effectiveness?

24 (C) If not, can the Brilliant Eyes space-based  
25 sensor be made, through design changes or oper-

1 ational changes, for use only with theater missile de-  
2 fense systems and be in compliance with the ABM  
3 Treaty?

4 (D) If so, to what extent would the Brilliant  
5 Eyes space-based sensor enhance the capability of  
6 upper-tier theater defense systems and lower-tier  
7 theater defense systems, respectively?

8 (d) LIMITATIONS ON FUNDING.—(1) Not more than  
9 one-half of the funds reported pursuant to section 227(c)  
10 to be allocated for fiscal year 1994 for a system or system  
11 upgrade specified in subsection (b)(2) of this section may  
12 be obligated for that system or system upgrade, or any  
13 of its components, until the Secretary has completed the  
14 compliance review of such system or system upgrade re-  
15 quired by subsection (b) and has submitted to the congres-  
16 sional defense committees the report on the results of the  
17 compliance review of that system or system upgrade as  
18 required by subsection (c). The preceding sentence does  
19 not apply with respect to the Brilliant Eyes space-based  
20 sensor system.

21 (2) Not more than \$50,000,000 may be obligated for  
22 the Brilliant Eyes space-based sensor until the Secretary  
23 has completed the compliance review of such system re-  
24 quired by subsection (b) and has submitted to the congres-

1 sional defense committees the report required under sub-  
2 section (c) for that system.

3 (e) ABM TREATY COMPLIANCE OF THEATER MIS-  
4 SILE DEFENSE SYSTEMS.—The Secretary of Defense has  
5 assured the Congress in the January 1993 Report to Con-  
6 gress on the Strategic Defense Initiative and in the June  
7 1993 Report to Congress on the Theater Missile Defense  
8 Initiative that all programs, projects, and activities under  
9 both initiatives that are planned for execution in fiscal  
10 year 1994 fully comply with the ABM Treaty.

11 (f) DEFINITION.—In this section, the term “ABM  
12 Treaty” has the meaning given such term in section 239  
13 of the Missile Defense Act of 1991 (10 U.S.C. 2431 note).

14 **SEC. 224. THEATER MISSILE DEFENSE MASTER PLAN.**

15 (a) MASTER PLAN REQUIRED.—(1) Not later than  
16 March 1, 1994, the Secretary of Defense shall submit to  
17 Congress a report containing an updated master plan for  
18 theater missile defenses.

19 (2) The plan shall include the following matters:

20 (A) A description of the mission and scope of  
21 theater missile defense.

22 (B) A description of the role of each of the  
23 Armed Forces in theater missile defense and an ex-  
24 planation of how those roles interact and com-  
25 plement each other.



1 (C) An evaluation of the cost and relative effec-  
2 tiveness of each interceptor and sensor under devel-  
3 opment as part of a theater missile defense system  
4 by the Ballistic Missile Defense Organization.

5 (D) A detailed acquisition strategy for theater  
6 missile defenses, including an analysis and compari-  
7 son of the projected life-cycle costs of each theater  
8 missile defense system intended for production,  
9 showing the component costs for—

10 (i) research, development, test, and evalua-  
11 tion;

12 (ii) procurement;

13 (iii) operation and maintenance; and

14 (iv) personnel for each system.

15 (E) The baseline production rate for each sys-  
16 tem for each year of the program through comple-  
17 tion of procurement.

18 (F) An estimate of the unit cost and capabili-  
19 ties of each element.

20 (G) A description of the current and planned  
21 testing program for theater missile defenses, includ-  
22 ing a description of demonstration targets to be  
23 tracked and engaged by multiple interceptors, target  
24 discrimination from decoys, and a shoot-look-shoot  
25 capability.

1           (H) A description of how any projected theater  
2 missile defense program will conform to existing  
3 Anti-Ballistic Missile Treaty and Intermediate Nu-  
4 clear Forces Treaty regimes, indicating clearly any  
5 potential noncompliance with either treaty regime,  
6 when such noncompliance would occur, and the posi-  
7 tion of the Secretary of Defense as to whether provi-  
8 sions of either treaty regime would have to be re-  
9 negotiated within that regime in order to address fu-  
10 ture contingencies.

11           (I) A description of planned theater missile de-  
12 fense doctrine, training, tactics, and force structure.

13           (b) OBJECTIVES OF PLAN.—In preparing the master  
14 plan the Secretary shall—

15           (1) seek to maximize the use of existing tech-  
16 nologies (such as AEGIS, Patriot, and THAAD)  
17 rather than develop new systems;

18           (2) seek to maximize integration and compat-  
19 ibility among the systems, roles, and missions of the  
20 military departments; and

21           (3) seek to promote cross-service use of existing  
22 equipment (such as development of Army equipment  
23 for the Marine Corps or ground utilization of an air  
24 or sea system).

1 **SEC. 225. EXTENSION OF AUTHORITY FOR TRANSFER OF**  
2 **RESPONSIBILITY FOR FAR-TERM FOLLOW-ON**  
3 **TECHNOLOGIES.**

4 Section 234(d)(2) of the National Defense Authoriza-  
5 tion Act for Fiscal Year 1993 (Public Law 102-484; 106  
6 Stat. 2357; 10 U.S.C. 2431 note) is amended—

7 (1) in subparagraph (A)—

8 (A) by striking out “1993” and inserting  
9 in lieu thereof “1994”;

10 (B) by striking out “(A)”;

11 (C) by redesignating clauses (i) and (ii) as  
12 subparagraphs (A) and (B), respectively; and

13 (2) by striking out “(B) For purposes of sub-  
14 paragraph (A),” and all that follows.

15 **SEC. 226. REPORT ON ACQUISITION STREAMLINING TO AC-**  
16 **CELERATE DEPLOYMENT OF INITIAL ABM**  
17 **SYSTEM.**

18 (a) FINDINGS.—The Congress makes the following  
19 findings:

20 (1) The Missile Defense Act of 1991 (10 U.S.C.  
21 2431 note) calls for the deployment of an ABM  
22 Treaty-compliant anti-ballistic missile system capa-  
23 ble of providing a highly effective defense of the  
24 United States against limited attacks by ballistic  
25 missiles.

1           (2) That Act directed the Secretary of Defense  
2       to structure a development program with the objec-  
3       tive of deploying such systems by the earliest date  
4       allowed by the availability of appropriate technology  
5       and the completion of adequate integrated testing of  
6       all systems components.

7           (3) Since 1983, in excess of \$30,000,000,000  
8       has been provided for research and development of  
9       ballistic missile defense capabilities.

10          (4) Notwithstanding this huge expenditure of  
11       funds on missile defense technologies, the Secretary  
12       of Defense has proposed deployment of such a sys-  
13       tem no sooner than 2004.

14          (5) It is incredible that the initial deployment  
15       of a limited defense capability requires another 11  
16       years to accomplish within the congressionally man-  
17       dated guidance.

18       (b) REVIEW REQUIRED.—The Secretary of Defense  
19       shall conduct an intensive and extensive review of opportu-  
20       nities to streamline the weapon systems acquisition proc-  
21       ess applicable to the development, deployment, and testing  
22       of ballistic missile defenses with the objective of reducing  
23       the cost of deployment and accelerating the schedule for  
24       deployment without significantly increasing programmatic  
25       risk or concurrency. In conducting the review, the Sec-

1 retary shall obtain recommendations and advice from the  
2 Defense Science Board, the faculty of the Industrial Col-  
3 lege of the Armed Forces, and federally funded research  
4 and development centers supporting the Office of the Sec-  
5 retary of Defense.

6 (c) REPORT REQUIRED.—Not later than May 1,  
7 1994, the Secretary shall submit to the congressional de-  
8 fense committees a report on his findings resulting from  
9 the review together with his recommendations for legisla-  
10 tion, if any. The Secretary shall submit the report in un-  
11 classified form, but may also submit a classified version  
12 of the report if he considers it necessary to classify any  
13 of the information in his findings or recommendations or  
14 any related information.

15 **SEC. 227. FUNDING FOR BALLISTIC MISSILE DEFENSE PRO-**  
16 **GRAMS.**

17 (a) TOTAL AMOUNT.—Of the amounts appropriated  
18 pursuant to section 201 for fiscal year 1994, or otherwise  
19 made available to the Department of Defense for research,  
20 development, test and evaluation for fiscal year 1994, not  
21 more than \$3,084,535,000 may be obligated for programs  
22 managed by the Ballistic Missile Defense Organization.

23 (b) FUNDS NOT TO BE MADE AVAILABLE FOR BRIL-  
24 LIANT EYES.—None of the funds authorized to be obli-

1 gated under subsection (a) may be obligated for the Bril-  
2 liant Eyes space-based sensor program.

3 (c) REPORTING REQUIREMENT.—Not later than 60  
4 days after the date of the enactment of this Act, the Sec-  
5 retary of Defense shall submit to the congressional defense  
6 committees a report on the allocation of funds appro-  
7 priated for the ballistic missile defense program for fiscal  
8 year 1994. The report shall specify the amount of such  
9 funds allocated for each program, project, and activity  
10 managed by the Ballistic Missile Defense Organization  
11 and shall list each ballistic missile defense program,  
12 project, and activity under the appropriate program ele-  
13 ment.

## 14 **Subtitle D—Other Matters**

### 15 **SEC. 231. NUCLEAR TESTING.**

16 (a) LIMITATIONS.—(1) None of the funds appro-  
17 priated pursuant to an authorization in this or any other  
18 Act may be obligated to support underground explosions  
19 of nuclear weapons or devices for testing of the effects  
20 of nuclear weapon explosions, including the so-called  
21 “Mighty Uncle” test.

22 (2) Funds available for the so-called “Mighty Uncle”  
23 test may not be obligated until the Secretary of Defense  
24 submits to the congressional defense committees a detailed  
25 spending plan for underground nuclear weapon testing

1 that is consistent with the provisions of section 507 of  
2 Public Law 102-377 (106 Stat. 1343).

3 (b) CERTAIN ACTIONS AUTHORIZED.—The Secretary  
4 of Defense may proceed with underground nuclear test  
5 tunnel deactivation and environmental cleanup and may  
6 expend funds for infrastructure activities not prohibited  
7 by subsection (a).

8 (c) FUNDING.—Of the funds authorized to be appro-  
9 priated pursuant to section 201, not more than  
10 \$38,000,000 may be used for activities described in sub-  
11 section (b).

12 (d) TERMINATION OF SAFEGUARD C PROGRAM.—  
13 The atmospheric test readiness program known as “Safe-  
14 guard C” is hereby terminated.

15 **SEC. 232. ONE-YEAR DELAY IN TRANSFER OF MANAGEMENT**  
16 **RESPONSIBILITY FOR NAVAL MINE COUN-**  
17 **TERMEASURES PROGRAM TO THE DIRECTOR,**  
18 **DEFENSE RESEARCH AND ENGINEERING.**

19 Section 216(a) of the National Defense Authorization  
20 for Fiscal Years 1992 and 1993 (Public Law 102-190;  
21 105 Stat. 1317) as amended by section 215(l) of the Na-  
22 tional Defense Authorization Act for Fiscal Year 1993  
23 (Public Law 102-484; 106 Stat. 2352) is amended by  
24 striking out “fiscal years 1994 through 1997” and insert-  
25 ing in lieu thereof “fiscal years 1995 through 1999”.

1 **SEC. 233. TERMINATION, REESTABLISHMENT, AND RECON-**  
2 **STITUTION OF AN ADVISORY COUNCIL ON**  
3 **SEMICONDUCTOR TECHNOLOGY.**

4 (a) TERMINATION OF ADVISORY COUNCIL ON FED-  
5 ERAL PARTICIPATION IN SEMATECH.—The Advisory  
6 Council on Federal Participation in Sematech established  
7 by section 273 of the National Defense Authorization Act  
8 for Fiscal Years 1988 and 1989 (15 U.S.C. 4603) is here-  
9 by terminated.

10 (b) SEMICONDUCTOR TECHNOLOGY COUNCIL.—Sec-  
11 tion 273 of the National Defense Authorization Act for  
12 Fiscal Years 1988 and 1989 (15 U.S.C. 4603) is amended  
13 by striking out the heading and subsections (a) through  
14 (c) and inserting in lieu thereof the following:

15 **“SEC. 273. SEMICONDUCTOR TECHNOLOGY COUNCIL.**

16 “(a) ESTABLISHMENT.—There is established the  
17 Semiconductor Technology Council.

18 “(b) PURPOSES AND FUNCTIONS.—(1) The purposes  
19 of the Council are—

20 “(A) to seek ways to respond to the technology  
21 challenges for semiconductors by increasing effi-  
22 ciency, promoting creativity and entrepreneurship,  
23 and fostering precompetitive cooperation among in-  
24 dustry, government, and academia; and

25 “(B) to make available judgments, assessments,  
26 insights, and recommendations that relate to the op-



1 opportunities for new research and development efforts  
2 and the potential to better rationalize and align on  
3 a national basis semiconductor research and develop-  
4 ment.

5 “(2) The Council shall—

6 “(A) advise Sematech and the Secretary of De-  
7 fense on appropriate technology goals for the re-  
8 search and development activities of Sematech;

9 “(B) review the technology developments and  
10 core technology challenges for semiconductors and  
11 explore opportunities for improved coordination  
12 among industry, government, and academia;

13 “(C) exchange views regarding the competitive-  
14 ness of the semiconductor technology base and new  
15 or emerging semiconductor technologies that could  
16 affect national economic and security interests;

17 “(D) exchange and update information and  
18 identify overlaps and gaps regarding the efforts of  
19 industry, government, and academia in semiconduc-  
20 tor research and development;

21 “(E) assess technology progress relative to the  
22 semiconductor technology roadmap;

23 “(F) make recommendations regarding the  
24 scope and content of semiconductor technology de-

1       velopment supported by Federal departments and  
2       agencies;

3           “(G) appoint subgroups as necessary in connec-  
4       tion with updating and implementing the semi-  
5       conductor technology roadmap; and

6           “(H) publish an annual report addressing the  
7       semiconductor technology challenges and develop-  
8       ments for industry, government, and academia and  
9       the relationship among the challenges and develop-  
10      ments for each, with particular emphasis on the role  
11      of Sematech.

12      “(c) MEMBERSHIP.—The Council shall be composed  
13 of 14 members as follows:

14           “(1) The Under Secretary of Defense for Ac-  
15      quisition, who shall be Cochairman of the Council.

16           “(2) The Under Secretary of Energy respon-  
17      sible for science and technology matters.

18           “(3) The Under Secretary of Commerce for  
19      Technology.

20           “(4) The Director of the Office of Science and  
21      Technology Policy.

22           “(5) The Assistant to the President for Eco-  
23      nomic Policy.

24           “(6) The Director of the National Science  
25      Foundation.

1           “(7) Eight members appointed by the President  
2 as follows:

3           “(A) Four individuals who are eminent in  
4 the semiconductor device industry, one of whom  
5 shall be Cochairman of the Council.

6           “(B) Two individuals who are eminent in  
7 the semiconductor equipment and materials in-  
8 dustry.

9           “(C) One individual who is eminent in the  
10 semiconductor user industry.

11           “(D) One individual who is eminent in an  
12 academic institution.”.

13       (c) CONFORMING AMENDMENTS.—Part F of title II  
14 of such Act is amended—

15           (1) in section 271(c) (15 U.S.C. 4601(c)), by  
16 striking out paragraph (1) and inserting in lieu  
17 thereof the following:

18           “(1) The terms ‘Semiconductor Technology  
19 Council’ and ‘Council’ mean the advisory council es-  
20 tablished by section 273.”;

21           (2) in section 272(b)(1)(B) (15 U.S.C.  
22 4602(b)(1)(B)), by striking out “Advisory Council  
23 on Federal Participation in Sematech” and inserting  
24 in lieu thereof “Semiconductor Technology Council”;  
25 and

1 (3) in section 273 (15 U.S.C. 4603)—

2 (A) in the first sentence of subsection

3 (d)—

4 (i) by striking out “(c)(6)” and insert-  
5 ing in lieu thereof “(c)(7)”; and

6 (ii) by striking out “two shall be ap-  
7 pointed for a term of two years” and in-  
8 serting in lieu thereof “three shall be ap-  
9 pointed for a term of two years”;

10 (B) in the first sentence of subsection (e),  
11 by striking out “(c)(6)” and inserting in lieu  
12 thereof “(c)(7)”; and

13 (C) in subsection (f), by striking out  
14 “Seven members” and inserting in lieu thereof  
15 “Nine members”.

16 (d) AUTHORITY TO CALL MEETING.—Section 273(g)  
17 of such Act (15 U.S.C. 4603(g)) is amended by striking  
18 out “the Chairman or a majority of its members” and in-  
19 serting in lieu thereof “a Cochairman”.

20 (e) SOURCE OF SUPPORT FOR SEMATECH.—Section  
21 273 of such Act (22 U.S.C. 4603) is amended by adding  
22 at the end the following new subsection:

23 “(j) SUPPORT FOR COUNCIL.—The Council shall uti-  
24 lize Sematech as needed for general and administrative  
25 support in accomplishing the Council’s purposes.”.

1 (f) FIRST MEETING OF NEW COUNCIL.—The first  
2 meeting of the Semiconductor Technology Council shall be  
3 held not later than 45 days after the date of the enactment  
4 of this Act.

5 (g) REFERENCE TO COUNCIL.—A reference in any  
6 provision of law to the Advisory Council on Federal Par-  
7 ticipation in Sematech shall be deemed to refer to the  
8 Semiconductor Technology Council established by section  
9 273 of the National Defense Authorization Act for Fiscal  
10 Years 1988 and 1989, as amended by subsection (b).

11 **SEC. 234. AUTHORITY TO ACQUIRE NAVY LARGE CAVITA-**  
12 **TION CHANNEL, MEMPHIS, TENNESSEE.**

13 (a) AUTHORITY TO ACQUIRE.—The Secretary of the  
14 Navy may acquire all right, title, and interest of any party  
15 in and to a parcel of real property, including improve-  
16 ments thereon, consisting of approximately 88 acres and  
17 located on President's Island, Memphis, Tennessee, the  
18 site of the Navy Large Cavitation Channel.

19 (b) FUNDING.—Amounts appropriated pursuant to  
20 section 201(2) for the Navy shall be available for the ac-  
21 quisition of real property authorized under subsection (a).

22 (c) DESCRIPTION OF PROPERTY.—The exact acreage  
23 and legal description of the real property to be acquired  
24 under subsection (a) shall be determined by a survey that  
25 is satisfactory to the Secretary.

1 (d) ADDITIONAL TERMS AND CONDITIONS.—The  
 2 Secretary may require any additional terms and conditions  
 3 in connection with the acquisition under subsection (a)  
 4 that the Secretary considers appropriate to protect the in-  
 5 terests of the United States.

6 **SEC. 235. STRATEGIC ENVIRONMENTAL RESEARCH COUN-**  
 7 **CIL.**

8 (a) MEMBERSHIP.—Section 2902(b) of title 10,  
 9 United States Code, is amended—

10 (1) by striking out paragraph (1);

11 (2) by redesignating paragraphs (2), (3), and  
 12 (4), as paragraphs (1), (2), and (3), respectively;

13 (3) by inserting after paragraph (3), as so re-  
 14 designated, the following new paragraph (4):

15 “(4) The Deputy Under Secretary of Defense  
 16 responsible for environmental security.”; and

17 (4) by striking out paragraph (6) and inserting  
 18 in lieu thereof the following new paragraph (6):

19 “(6) The Assistant Secretary of Energy respon-  
 20 sible for environmental restoration and waste man-  
 21 agement.”.

22 (b) EXTENSION OF AUTHORITY TO ESTABLISH EM-  
 23 PLOYEE PAY RATES.—Section 2903(d)(2) of title 10,  
 24 United States Code, is amended by striking out “Novem-

ber 5, 1992” and inserting in lieu thereof “September 30, 1995”.

### **TITLE III—OPERATION AND MAINTENANCE**

#### **Subtitle A—Authorization of Appropriations**

##### **SEC. 301. OPERATION AND MAINTENANCE FUNDING.**

Funds are hereby authorized to be appropriated for fiscal year 1994 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance in amounts as follows:

- (1) For the Army, \$15,074,036,000.
- (2) For the Navy, \$18,961,792,000.
- (3) For the Marine Corps, \$1,750,489,000.
- (4) For the Air Force, \$18,512,246,000.
- (5) For Defense Agencies \$9,523,283,000.
- (6) For the Defense Health Program,  
\$9,303,447,000.
- (7) For the Army Reserve, \$1,096,190,000.
- (8) For the Naval Reserve, \$782,800,000.
- (9) For the Marine Corps Reserve,  
\$83,100,000.
- (10) For the Air Force Reserve,  
\$1,356,078,000.

1           (11) For the Army National Guard,  
2       \$2,216,944,000.

3           (12) For the Air National Guard,  
4       \$2,717,733,000.

5           (13) For the National Board for the Promotion  
6       of Rifle Practice, \$2,483,000.

7           (14) For the Defense Inspector General,  
8       \$127,001,000.

9           (15) For Drug Interdiction and Counter-Drug  
10      Activities, Defense-wide, \$1,168,200,000.

11          (16) For the Court of Military Appeals,  
12      \$6,055,000.

13          (17) For Environmental Restoration, Defense,  
14      \$2,369,400,000.

15          (18) For the Global Cooperative Initiatives  
16      Fund established in section 405(a) of title 10, Unit-  
17      ed States Code (as added by section 1044 of this  
18      Act), including humanitarian assistance in accord-  
19      ance with section 2551 of title 10, United States  
20      Code, \$448,000,000.

21          (19) For support for the 1996 Summer Olym-  
22      pics, \$2,000,000.

23          (20) For support for the 1994 World Cup  
24      Games, \$12,000,000.



1           (21) For Former Soviet Union Threat Reduc-  
2           tion, \$400,000,000.

3   **SEC. 302. WORKING CAPITAL FUNDS.**

4           There is hereby authorized to be appropriated for fis-  
5   cal year 1994 for the use of the Armed Forces and other  
6   activities and agencies of the Department of Defense for  
7   providing capital for the Defense Business Operations  
8   Fund, \$1,161,095,000.

9   **SEC. 303. FUNDING NATIONAL DEFENSE STRATEGIC LIFT**  
10           **REQUIREMENTS.**

11           (a) RENAMING FUND.—Section 2218 of title 10,  
12   United States Code, is amended—

13                   (1) by striking out the section heading and in-  
14           serting in lieu thereof the following:

15   **“§ 2218. National Defense Strategic Lift Fund”;**

16           and

17                   (2) by striking out “National Defense Strategic  
18           Sealift Fund” each time it appears and inserting in  
19           lieu thereof “National Defense Strategic Lift Fund”.

20           (b) FUND PURPOSES.—Subsection (c)(1) of such sec-  
21   tion is amended—

22                   (1) by striking out “and” at the end of sub-  
23           paragraph (C);

1           (2) by striking out the period at the end of sub-  
2     paragraph (D) and inserting in lieu thereof “; and”;  
3     and

4           (3) by adding at the end the following new sub-  
5     paragraph:

6           “(E) construction, purchase, alteration, and  
7     conversion of Department of Defense strategic airlift  
8     aircraft.”.

9     (c) DEPOSITS IN THE FUND.—Subsection (d)(1) of  
10  such section is amended—

11           (1) by striking out “and” at the end of sub-  
12     paragraph (C);“

13           (2) by striking out the period at the end of sub-  
14     paragraph (D) and inserting in lieu thereof “; and”;  
15     and

16           (3) by adding at the end the following new sub-  
17     paragraph:

18           “(E) construction, purchase, alteration,  
19     and conversion of Department of Defense stra-  
20     tegic airlift aircraft.”.

21     (d) CONTENT OF BUDGET REQUESTS.—Subsection  
22  (h) of such section is amended—

23           (1) by striking out “and” at the end of para-  
24     graph (3);

1           (2) by striking out the period at the end of  
2       paragraph (4) and inserting in lieu thereof “; and”;  
3       and

4           (3) by adding at the end the following new  
5       paragraph:

6           “(5) the amount requested for programs,  
7       projects, and activities for construction, purchase,  
8       alteration, and conversion of Department of Defense  
9       strategic airlift aircraft.”.

10       (e) STRATEGIC AIRLIFT AIRCRAFT DEFINED.—Sub-  
11       section (k) of such section is amended by adding at the  
12       end the following new paragraph:

13           “(4) The term ‘strategic airlift aircraft’ means  
14       any cargo aircraft owned, operated, controlled, or  
15       chartered by the Department of Defense that has  
16       intercontinental range.”.

17       (f) AUTHORIZATION OF APPROPRIATIONS.—Funds  
18       are hereby authorized to be appropriated for fiscal year  
19       1994 for the use of the Department of Defense for the  
20       National Defense Strategic Lift Fund in the amount of  
21       \$2,669,100,000.

22       **SEC. 304. ARMED FORCES RETIREMENT HOME.**

23       There is hereby authorized to be appropriated for fis-  
24       cal year 1994 from the Armed Forces Retirement Home  
25       Trust Fund the sum of \$61,918,000 for the operation of

1 the Armed Forces Retirement Home, including the United  
2 States Soldiers' and Airmen's Home and the Naval Home.

3 **SEC. 305. NATIONAL SECURITY EDUCATION TRUST FUND**  
4 **OBLIGATIONS.**

5 During fiscal year 1994, \$24,000,000 is authorized  
6 to be obligated from the National Security Education  
7 Trust Fund established by section 804(a) of the David L.  
8 Boren National Security Education Act of 1991 (Public  
9 Law 102-183; 50 U.S.C. 1904(a)).

10 **SEC. 306. TRANSFER AUTHORITY.**

11 (a) AUTHORITY.—The Secretary of Defense, to the  
12 extent provided in appropriations Acts, may transfer funds  
13 as provided in this section during fiscal year 1994. Funds  
14 so transferred are in addition to the funds authorized to  
15 be appropriated in section 301.

16 (b) FROM THE DEFENSE BUSINESS OPERATIONS  
17 FUND.—(1) Subject to paragraph (2), not more than  
18 \$3,035,300,000 may be transferred from the Defense  
19 Business Operations Fund to appropriations for oper-  
20 ations and maintenance for fiscal year 1994 in amounts  
21 as follows:

22 (A) For the Army, \$880,200,000.

23 (B) For the Navy, \$1,092,700,000.

24 (C) For the Marine Corps, \$121,000,000.

25 (D) For the Air Force, \$941,400,000.

1       (2) Amounts may be transferred under this sub-  
2 section only to the extent that the Fund contains cash bal-  
3 ances sufficient for such transfers.

4       (c) FROM THE NATIONAL DEFENSE STOCKPILE  
5 TRANSACTION FUND.—Not more than \$500,000,000 may  
6 be transferred from the National Defense Stockpile Trans-  
7 action Fund to appropriations for operation and mainte-  
8 nance for fiscal year 1994 in amounts as follows:

9           (1) For the Army, \$150,000,000.

10          (2) For the Navy, \$150,000,000.

11          (3) For the Air Force, \$200,000,000.

12       (d) TREATMENT OF TRANSFERS.—Amounts trans-  
13 ferred under this section—

14           (1) shall be merged with and be available for  
15 the same purposes and the same period as the  
16 amounts in the accounts to which transferred;

17           (2) shall be deemed to increase the amount au-  
18 thorized to be appropriated for the account to which  
19 the amount is transferred by an amount equal to the  
20 amount transferred; and

21           (3) may not be expended for an item that has  
22 been denied authorization of appropriations by Con-  
23 gress.

24       (e) RELATIONSHIP TO OTHER TRANSFER AUTHOR-  
25 ITY.—An increase under subsection (d)(2) in an amount

1 authorized to be appropriated is in addition to an increase  
 2 in that amount that results from a transfer of an author-  
 3 ization of appropriations pursuant to section 1001.

4 (f) RELATIONSHIP TO APPROPRIATED FUNDS.—  
 5 Funds made available by transfer under this section shall  
 6 be in addition to funds made available pursuant to an au-  
 7 thorization of appropriations in section 301.

## 8 **Subtitle B—Defense Business Operations**

### 9 **Fund**

#### 10 **SEC. 311. EXTENSION OF AUTHORITY FOR USE OF THE DE-** 11 **FENSE BUSINESS OPERATIONS FUND.**

12 Section 316(a) of the National Defense Authorization  
 13 Act for Fiscal Years 1992 and 1993 (Public Law 102–  
 14 190; 10 U.S.C. 2208 note) is amended by striking out  
 15 “April 15, 1994” and inserting in lieu thereof “December  
 16 31, 1994”.

#### 17 **SEC. 312. IMPLEMENTATION OF THE DEFENSE BUSINESS** 18 **OPERATIONS FUND.**

19 Section 316 of the National Defense Authorization  
 20 Act for Fiscal Years 1992 and 1993 (Public Law 102–  
 21 190; 10 U.S.C. 2208 note) is amended by striking out sub-  
 22 sections (d), (e), and (f) and inserting in lieu thereof the  
 23 following new subsections:

24 “(d) COMPREHENSIVE MANAGEMENT PLAN.—(1)  
 25 Not later than 30 days after the date of the enactment

1 of the National Defense Authorization Act for Fiscal Year  
2 1994, the Secretary of Defense shall submit to the con-  
3 gressional defense committees a comprehensive manage-  
4 ment plan for the Defense Business Operations Fund. The  
5 Secretary shall identify in the plan the actions the Depart-  
6 ment of Defense will take to improve the implementation  
7 and operation of the Defense Business Operations Fund.

8 “(2)(A) The plan should also include the following  
9 matters:

10 “(i) The specific tasks to be performed to ad-  
11 dress the serious shortcomings that exist in the  
12 Fund’s implementation and operation.

13 “(ii) Milestones for starting and completing  
14 each task.

15 “(iii) A statement of the resources needed to  
16 complete each task.

17 “(iv) The specific organizations within the De-  
18 partment of Defense that are responsible for accom-  
19 plishing each task.

20 “(v) Department of Defense plans to monitor  
21 the implementation of all corrective actions.

22 “(B) The plan should also address the following spe-  
23 cific areas:

24 “(i) The management and organizational struc-  
25 ture of the Fund.

1           “(ii) The development and implementation of  
2           the policies and procedures, including internal con-  
3           trols, applicable to the Fund.

4           “(iii) Management reporting, including financial  
5           and operational reporting.

6           “(iv) Accuracy and reliability of cost accounting  
7           data.

8           “(v) Development and use of performance indi-  
9           cators to measure the efficiency and effectiveness of  
10          Fund operations.

11          “(vi) The status of efforts to develop and imple-  
12          ment new financial systems for the Fund.

13          “(e) PROGRESS REPORT ON IMPLEMENTATION.—Not  
14          later than February 1, 1994, the Secretary of Defense  
15          shall submit to the Congress a report on the progress  
16          made in implementing the comprehensive management  
17          plan required by subsection (d). The report should de-  
18          scribe the progress made in reaching the milestones estab-  
19          lished in the plan and provide an explanation for the fail-  
20          ure to meet any of the milestones. The Secretary shall sub-  
21          mit a copy of the report to the Comptroller General of  
22          the United States at the same time that he submits the  
23          report to Congress.

24          “(f) RESPONSIBILITIES OF THE COMPTROLLER GEN-  
25          ERAL.—(1) The Comptroller General of the United States



1 shall monitor and evaluate the progress of the Department  
2 of Defense in developing and implementing the com-  
3 prehensive management plan required by subsection (d).

4 “(2) Not later than March 1, 1994, the Comptroller  
5 General shall submit to the Congress a report containing  
6 the following:

7 “(A) The findings and conclusions of the Comp-  
8 troller General resulting from the monitoring and  
9 evaluation conducted under paragraph (1).

10 “(B) An evaluation of the progress report sub-  
11 mitted to Congress by the Secretary of Defense pur-  
12 suant to subsection (e).

13 “(C) Any recommendations for legislation or  
14 administrative action concerning the Fund that the  
15 Comptroller General considers appropriate.”.

16 **SEC. 313. LIMITATION ON OBLIGATIONS AGAINST THE DE-**  
17 **FENSE BUSINESS OPERATIONS FUND.**

18 (a) LIMITATION.—(1) The Secretary of Defense may  
19 not incur obligations against the supply management divi-  
20 sions of the Defense Business Operations Fund of the De-  
21 partment of Defense during fiscal year 1994 in a total  
22 amount in excess of 65 percent of the total amount derived  
23 from sales from such divisions during that fiscal year.

24 (2) For purposes of determining the amount of obli-  
25 gations incurred against, and sales from, such divisions

1 during fiscal year 1994, the Secretary shall exclude obliga-  
 2 tions and sales for fuel, commissary and subsistence items,  
 3 retail operations, repair of equipment, and the cost of op-  
 4 erations.

5 (b) EXCEPTION.—The Secretary of Defense may  
 6 waive the limitation described in subsection (a) if the Sec-  
 7 retary determines that such waiver is necessary in order  
 8 to maintain the readiness and combat effectiveness of the  
 9 Armed Forces. The Secretary shall immediately notify  
 10 Congress of any such waiver and the reasons for such  
 11 waiver.

## 12 **Subtitle C—Environmental Provisions**

### 13 **SEC. 321. AUTHORITY FOR MILITARY DEPARTMENTS TO** 14 **PARTICIPATE IN WATER CONSERVATION** 15 **PROGRAMS.**

16 (a) AUTHORITY.—Chapter 169 of title 10, United  
 17 States Code, is amended by adding at the end the follow-  
 18 ing:

#### 19 **“§ 2866. Water conservation at military installations**

20 “(a) WATER CONSERVATION ACTIVITIES.—(1) The  
 21 Secretary of Defense shall permit and encourage each  
 22 military department, Defense Agency, and other instru-  
 23 mentality of the Department of Defense to participate in  
 24 programs conducted by any water utility for the manage-  
 25 ment of water or for water conservation.

1       “(2) The Secretary of Defense may authorize any  
2 military installation to accept any financial incentive (in-  
3 cluding an agreement to reduce the amount of a future  
4 water bill), goods, or services generally available from a  
5 water utility to adopt technologies and practices that the  
6 Secretary determines are cost effective for the Federal  
7 Government.

8       “(3) Subject to paragraph (4), the Secretary of De-  
9 fense may authorize the Secretary of a military depart-  
10 ment having jurisdiction over a military installation to  
11 enter into agreements with water utilities to design and  
12 implement cost-effective demand and conservation incen-  
13 tive programs (including water management services, fa-  
14 cilities, alterations, and the installation and maintenance  
15 of water saving devices and technologies by the utilities)  
16 to address the requirements and circumstances of the in-  
17 stallation.

18       “(4)(A) If an agreement under paragraph (3) pro-  
19 vides for the utility to advance financing costs for the de-  
20 sign or implementation of a program referred to in that  
21 paragraph to be repayed by the United States, the cost  
22 of such advance may be recovered by the utility under  
23 terms no less favorable than those applicable to its most  
24 favored customer.

1       “(B) Subject to the availability of appropriations, re-  
2 payment of costs advanced under subparagraph (A) shall  
3 be made from funds available to a military department  
4 for the purchase of utility services.

5       “(C) An agreement under paragraph (3) shall provide  
6 that title to any water-saving device or technology installed  
7 at a military installation pursuant to the agreement shall  
8 vest in the United States. Such title may vest at such time  
9 during the term of the agreement, or upon expiration of  
10 the agreement, as determined to be in the best interests  
11 of the United States.

12       “(b) USE OF WATER COST SAVINGS.—Water cost  
13 savings realized under this section shall be utilized in ac-  
14 cordance with section 2865(b) of this title.

15       “(c) WATER CONSERVATION CONSTRUCTION  
16 PROJECTS.—(1) The Secretary of Defense may carry out  
17 a military construction project for water conservation, not  
18 previously authorized, using funds appropriated or other-  
19 wise made available for water conservation.

20       “(2) Section 2865(e)(2) of this title shall apply to a  
21 project to be carried out under the authority of paragraph  
22 (1).

23       “(d) DEFINITION.—In this section, the term ‘water  
24 utility’ means any publicly or privately owned entity (in-  
25 cluding a municipal or regional authority or water district)

1 that delivers potable water to a military installation  
2 through a transmission or distribution system.”.

3 (b) CLERICAL AMENDMENT.—The table of sections  
4 at the beginning of such chapter is amended by adding  
5 at the end the following:

“2866. Water conservation at military installations.”.

6 **SEC. 322. CLARIFICATION OF AUTHORITY FOR ENERGY**  
7 **CONSERVATION PROGRAMS AT MILITARY IN-**  
8 **STALLATIONS.**

9 (a) USE OF SAVINGS.—Subsection (b)(2) of section  
10 2865 of title 10, United States Code, is amended to read  
11 as follows:

12 “(2) Of the total amount that remains available for  
13 obligation under paragraph (1) and section 2866(b) of this  
14 title—

15 “(A) one-half of such amount shall be used for  
16 the implementation of additional energy conservation  
17 measures and for water conservation activities at  
18 such buildings, facilities, or installations of the De-  
19 partment of Defense as may be designated (in ac-  
20 cordance with regulations which the Secretary of De-  
21 fense shall prescribe) by the head of the department,  
22 agency, or instrumentality that realized the savings  
23 referred to in paragraph (1) or referred to in section  
24 2866(b) of this title; and

1           “(B) one-half of such amount shall be allocated  
2           among the installations that realized such savings in  
3           the same proportions as such savings were realized  
4           at such installations and the amount so allocated to  
5           an installation shall be utilized at such installation  
6           for—

7                   “(i) improvements to existing military fam-  
8                   ily housing units;

9                   “(ii) any unspecified minor construction  
10                  project that will enhance the quality of life of  
11                  personnel; or

12                  “(iii) any morale, welfare, or recreation fa-  
13                  cility or service.”.

14           (b) COVERED UTILITIES.—Subsection (d) of such  
15           section 2865 is amended by adding at the end the follow-  
16           ing:

17           “(5) In this subsection, the terms ‘gas utility’ and  
18           ‘electric utility’ mean any publicly or privately owned en-  
19           tity (including a municipal or regional authority or Fed-  
20           eral power marketing agency) that deliver natural gas or  
21           electricity, respectively, to a military installation through  
22           a transmission or distribution system.”.

1 **SEC. 323. CLARIFICATION OF FUNDING FOR ENVIRON-**  
2 **MENTAL RESTORATION ACTIVITIES AT IN-**  
3 **STALLATIONS TO BE CLOSED OR REALIGNED.**

4 Section 2906(e) of the Defense Base Closure and Re-  
5 alignment Act of 1990 (part A of title XXIX of Public  
6 Law 101–510; 10 U.S.C. 2687 note) is amended—

7 (1) by inserting “(1)” before “Except for”;

8 (2) in paragraph (1), as so designated, by in-  
9 serting “and except as provided in paragraph (2)”  
10 in the first sentence after “subsection (a)”; and

11 (3) by adding at the end the following:

12 “(2) Funds in the Defense Environmental Restora-  
13 tion Account established under section 2703(a) of title 10,  
14 United States Code, may be used for obligations incurred  
15 for purposes described in section 2905(a)(1)(C)—

16 “(A) in fiscal year 1994 for installations ap-  
17 proved for closure or realignment under this part in  
18 1993; and

19 “(B) in fiscal year 1996 for installations ap-  
20 proved for closure or realignment under this part in  
21 1995.”.

1 **SEC. 324. ANNUAL REPORT ON ENVIRONMENTAL RESTORA-**  
2 **TION ACTIVITIES OF THE DEPARTMENT OF**  
3 **DEFENSE.**

4 (a) REPORT ON IMPLEMENTATION OF PROGRAMS.—  
5 Paragraph (2) of section 2706(a) of title 10, United  
6 States Code, is amended—

7 (1) by redesignating subparagraph (D) as sub-  
8 paragraph (E);

9 (2) by striking out subparagraph (C) and in-  
10 serting in lieu thereof the following new subpara-  
11 graphs (C) and (D):

12 “(C) The estimated cost of carrying out re-  
13 sponse actions at each facility on the National Prior-  
14 ities List for each of the 5 fiscal years following the  
15 fiscal year in which the report is submitted.

16 “(D) The costs incurred for response actions at  
17 each facility on the National Priorities List during  
18 the fiscal year preceding the fiscal year in which the  
19 report is filed.”; and

20 (3) by adding at the end the following:

21 “(F) The estimated cost of carrying out re-  
22 sponse actions at facilities other than facilities on  
23 the National Priorities List for each of the 5 fiscal  
24 years following the fiscal year in which the report is  
25 submitted.”.



1 (b) TIMING OF REPORT.—Such section 2706(a) is  
2 further amended by adding at the end the following:

3 “(3) The Secretary shall submit the annual report re-  
4 quired under this subsection no later than April 15 of each  
5 year.”.

6 **SEC. 325. EXTENSION OF PERIOD OF APPLICABILITY OF RE-**  
7 **QUIREMENT FOR REIMBURSEMENT OF THE**  
8 **FEDERAL GOVERNMENT FOR CERTAIN LI-**  
9 **ABILITIES ARISING UNDER CONTRACTS RE-**  
10 **LATING TO HAZARDOUS WASTE.**

11 Section 2708(b)(1) of title 10, United States Code,  
12 by striking out “and 1993” and inserting in lieu thereof  
13 “through 1996”.

14 **SEC. 326. PROHIBITION ON THE PURCHASE OF SURETY**  
15 **BONDS AND OTHER GUARANTIES FOR THE**  
16 **DEPARTMENT OF DEFENSE.**

17 No funds appropriated or otherwise made available  
18 to the Department of Defense for fiscal year 1994 may  
19 be obligated or expended for the purchase of surety bonds  
20 or other guaranties of financial responsibility in order to  
21 guarantee the performance of any direct function of the  
22 Department of Defense.

1 **SEC. 327. CLARIFICATION OF SCOPE OF INDEMNIFICATION**  
 2 **OF TRANSFEREES OF CLOSING DEFENSE**  
 3 **PROPERTY.**

4 (a) INDEMNIFICATION FOR PETROLEUM PROD-  
 5 UCTS.—Subsection (a)(1) of section 330 of the National  
 6 Defense Authorization Act for Fiscal Year 1993 (Public  
 7 Law 102–484; 10 U.S.C. 2687 note) is amended by strik-  
 8 ing out “or pollutant or contaminant” and inserting in  
 9 lieu thereof “, pollutant or contaminant, any petroleum  
 10 product, or any other derivative of petroleum”.

11 (b) ACTIVITIES SUBJECT TO INDEMNIFICATION.—  
 12 Such subsection (a)(1) is further amended by inserting  
 13 “(including defense activities carried out by a contractor  
 14 or subcontractor under a contract with the Department  
 15 of Defense or a military department)” after “Department  
 16 of Defense activities”.

17 (c) STATE OWNERSHIP OR CONTROL.—Subsection  
 18 (a)(2)(A) of such section is amended by inserting “(includ-  
 19 ing a leasehold interest)” after “or control”.

20 (d) RELATIONSHIP TO OTHER AUTHORITIES.—Sub-  
 21 section (e) of such section is amended—

22 (1) by striking out “RELATIONSHIP TO OTHER  
 23 LAW.—” and inserting in lieu thereof “RELATION-  
 24 SHIP TO EXISTING LAW AND CONTRACTS.—”; and

25 (2) by striking out “in any way” and inserting  
 26 in lieu thereof “in any way—

1 “(1) section 120(h) of the Comprehensive  
 2 Environmental Response, Compensation, and  
 3 Liability Act of 1980 (42 U.S.C. 9620(h)), any  
 4 other provision of law, or any regulation; or

5 “(2) any provision of a contract of the De-  
 6 partment of Defense or a military department,  
 7 or any provision of a subcontract under such a  
 8 contract, that provides the Department of De-  
 9 fense or the military department with a right of  
 10 contribution against the contractor or sub-  
 11 contractor, as the case may be.”.

12 **Subtitle D—Other Matters**

13 **SEC. 331. REPEAL OF AN EXCEPTION TO A LIMITATION ON**  
 14 **THE PERFORMANCE OF DEPOT-LEVEL MAIN-**  
 15 **TENANCE OF MATERIEL.**

16 Section 2466(a) of title 10, United States Code, is  
 17 amended—

18 (1) by striking out paragraph (2); and

19 (2) in paragraph (1), by striking out “(1) Ex-  
 20 cept as provided in paragraph (2), the” and insert-  
 21 ing in lieu thereof “The”.

22 **SEC. 332. MAINTENANCE AND REPAIR OF PACIFIC BATTLE**  
 23 **MONUMENTS.**

24 (a) **AUTHORITY.**—The Commandant of the Marine  
 25 Corps may perform necessary minor maintenance and re-

1 pairs of Pacific battle monuments until, by agreement be-  
2 tween the Commandant and the Secretary of the American  
3 Battle Monuments Commission, the American Battle  
4 Monuments Commission undertakes the responsibility for  
5 maintenance and repair of such battle monuments.

6 (b) FUNDING.—(1) In each fiscal year that the Com-  
7 mandant performs maintenance and repair activities pur-  
8 suant to the authority in subsection (a), the Commandant  
9 may expend for such activities not more than \$15,000 of  
10 the amount made available to the Marine Corps for such  
11 fiscal year for operation and maintenance.

12 (2) Of the amounts available to the Marine Corps for  
13 fiscal year 1993 for operation and maintenance, \$150,000  
14 may, to the extent provided in appropriations Acts, be  
15 made available for the repair and relocation of a monu-  
16 ment located on Iwo Jima that commemorates the sac-  
17 rifice of American military personnel during World War  
18 II.

19 (c) DEFINITION.—In this section, the term “Pacific  
20 battle monument” means a monument on an island in the  
21 Pacific Ocean that commemorates combat actions of any  
22 of the Armed Forces.

1 **SEC. 333. PURCHASE OF ITEMS NOT EXCEEDING \$100,000.**

2 Funds appropriated pursuant to the authorization of  
3 appropriations in section 301 may be used to purchase  
4 items not exceeding \$100,000 for each item.

5 **SEC. 334. EXTENSION OF AUTHORITY FOR AVIATION DE-**  
6 **POTS AND NAVAL SHIPYARDS TO ENGAGE IN**  
7 **DEFENSE-RELATED PRODUCTION AND SERV-**  
8 **ICES.**

9 Section 1425(e) of the National Defense Authoriza-  
10 tion Act for Fiscal Year 1991 (Public Law 101-510) is  
11 amended by striking out “September 30, 1993” and in-  
12 serting in lieu thereof “September 30, 1994”.

13 **SEC. 335. CONTRACTS TO PERFORM WORKLOADS PRE-**  
14 **VIOUSLY PERFORMED BY DEPOT-LEVEL AC-**  
15 **TIVITIES OF THE DEPARTMENT OF DEFENSE.**

16 Section 2469 of title 10, United States Code, is  
17 amended—

18 (1) by inserting “(a) REQUIREMENT FOR COM-  
19 PETITION.—” before “The Secretary of Defense”;

20 (2) by striking out “threshold”;

21 (3) by striking out “unless” and all that follows  
22 and inserting in lieu thereof “to performance by a  
23 contractor unless the Secretary uses competitive pro-  
24 cedures for the selection of the contractor to perform  
25 such workload.”; and

1 (4) by adding at the end the following new sub-  
 2 section:

3 “(b) INAPPLICABILITY OF OMB CIRCULAR A-76.—  
 4 Office of Management and Budget Circular A-76 does not  
 5 apply to a performance change to which subsection (a) ap-  
 6 plies.”.

7 **SEC. 336. PROMOTION OF CIVILIAN MARKSMANSHIP.**

8 Section 4308(c) of title 10, United States Code, is  
 9 amended by adding at the end the following: “Notwith-  
 10 standing any other provision of law, such amounts shall  
 11 remain available until expended.”.

12 **SEC. 337. AMENDMENTS REGARDING PILOT PROGRAM TO**  
 13 **USE NATIONAL GUARD PERSONNEL IN MEDI-**  
 14 **CALLY UNDERSERVED COMMUNITIES.**

15 (a) AGREEMENT WITH DISTRICT OF COLUMBIA.—  
 16 Section 376 of the National Defense Authorization Act for  
 17 Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2386;  
 18 32 U.S.C. 501 note) is amended by adding at the end of  
 19 subsection (a) the following: “In the case of an agreement  
 20 with the District of Columbia, the agreement shall be with  
 21 the commanding general of the District of Columbia Na-  
 22 tional Guard.”.

23 (b) NATIONAL GUARD TRAINING AUTHORIZED TO  
 24 INCLUDE THE PROVISION OF HEALTH CARE.—Section  
 25 376 of such Act is amended by striking out subsection

1 (b) and inserting in lieu thereof the following new sub-  
2 section (b):

3 “(b) TRAINING AUTHORIZED TO INCLUDE PROVI-  
4 SION OF HEALTH CARE.—Training conducted pursuant to  
5 section 270 of title 10, United States Code, and section  
6 502 of title 32, United States Code, may include, as an  
7 activity conducted in the course of and incident to required  
8 or additional National Guard training, the provision of  
9 health care under an agreement entered into pursuant to  
10 subsection (a).”.

11 (c) FUNDING, SAVINGS, AND DEFINITION PROVI-  
12 SIONS.—Section 376 of such Act is amended—

13 (1) by redesignating subsection (f) as sub-  
14 section (i); and

15 (2) by inserting after subsection (e) the follow-  
16 ing new subsections:

17 “(f) FUNDING AND USE OF OTHER RESOURCES.—  
18 Funds appropriated for operation and maintenance of the  
19 National Guard may be used for supplies and equipment  
20 necessary for the provision of health care to medically un-  
21 derserved communities under an agreement entered into  
22 pursuant to subsection (a). Supplies and equipment fur-  
23 nished by a State, a department or agency of the Federal  
24 Government, or any private organization or individual may

1 also be used for the provision of health care to medically  
2 underserved communities under such an agreement.

3 “(g) RETIREMENT CREDIT FOR FISCAL YEAR 1993  
4 SERVICE.—Service under an agreement entered into pur-  
5 suant to subsection (a) that was performed by National  
6 Guard personnel before October 1, 1993 (the effective date  
7 of an amendment of subsection (b) to clarify the status  
8 of service under such an agreement as training), shall be  
9 counted as service under section 502 of title 32, United  
10 States Code, for the purpose of computing years of service  
11 for entitlement to retired pay under subparagraph (A) or  
12 (B) of section 1332(a)(2) of title 10, United States Code.

13 “(h) DEFINITIONS.—In this section:

14 “(1) The term ‘health care’ includes medical  
15 and dental care services.

16 “(2) The term ‘State’ includes the Common-  
17 wealth of Puerto Rico, a territory (as defined in sec-  
18 tion 101(1) of title 32, United States Code), and the  
19 District of Columbia.”.

20 (b) EFFECTIVE DATE.—The amendments made by  
21 this section shall take effect on October 1, 1993.



1 **SEC. 338. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES**  
2 **THAT BENEFIT DEPENDENTS OF MEMBERS**  
3 **OF THE ARMED FORCES AND DEPARTMENT**  
4 **OF DEFENSE CIVILIAN EMPLOYEES.**

5 (a) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—

6 Section 386(c) of the National Defense Authorization Act  
7 for Fiscal Year 1993 (Public Law 102–484; 106 Stat.  
8 2395; 20 U.S.C. 238 note) is amended—

9 (1) by striking out “or” at the end of para-  
10 graph (1);

11 (2) by redesignating paragraph (2) as para-  
12 graph (3);

13 (3) by inserting after paragraph (1) the follow-  
14 ing new paragraph (2):

15 “(2) there has been a significant increase, as  
16 determined by the Secretary of Defense, in the num-  
17 ber of military dependent students in average daily  
18 attendance in the schools of that agency as a result  
19 of a relocation of Armed Forces personnel or civilian  
20 employees of the Department of Defense or as a re-  
21 sult of a realignment of one or more military instal-  
22 lations; or”; and

23 (4) in paragraph (3), as redesignated by para-  
24 graph (2), by inserting “or (2)” before the period at  
25 the end.

1 (b) TECHNICAL CORRECTION.—Section 386 of such  
2 Act is amended by—

3 (1) by redesignating the second subsection (e),  
4 relating to definitions, as subsection (h); and

5 (2) by transferring such subsection, as so redesi-  
6 gnated, to the end of such section.

7 (c) EFFECTIVE DATE OF AMENDMENTS.—The  
8 amendments made by subsections (a) and (b) shall take  
9 effect as of October 23, 1992, as if section 386 of Public  
10 Law 102–484 had been enacted as amended by such sub-  
11 sections.

12 (d) FUNDING.—Of the amounts authorized to be ap-  
13 propriated pursuant to section 301(5)—

14 (1) \$50,000,000 shall be available for providing  
15 assistance to local educational agencies under sub-  
16 section (b) of section 386 of Public Law 102–484;  
17 and

18 (2) \$8,000,000 shall be available for making  
19 payments to local educational agencies under sub-  
20 section (d) of such section.

21 **SEC. 339. ANNUAL ASSESSMENT OF FORCE READINESS.**

22 (a) ANNUAL ASSESSMENT REQUIRED.—Not later  
23 than March 1 of each of 1994, 1995, and 1996, the Chair-  
24 man of the Joint Chiefs of Staff shall submit to Congress  
25 an assessment of—

1           (1) the readiness and capability of the Armed  
2       Forces of the United States to carry out the full  
3       range of the missions assigned to the Armed Forces;  
4       and

5           (2) the associated level or degree of risk for the  
6       Armed Forces in responding to current and antici-  
7       pated threats to national security interests of the  
8       United States.

9       (b) CONTENT OF ASSESSMENT.—Each assessment  
10   shall include, for the 5-year period described in subsection  
11   (c), the following matters:

12           (1) An unclassified description of the current  
13       and projected readiness and capability of the Armed  
14       Forces of the United States taking into consider-  
15       ation each of the following areas:

16                   (A) Personnel.

17                   (B) Training and exercises.

18                   (C) Logistics, including equipment mainte-  
19       nance and supply availability.

20                   (D) Equipment modernization.

21                   (E) Installations, real property, and facili-  
22       ties.

23                   (F) Munitions.

24                   (G) Mobility.

25                   (H) Wartime sustainability.

1           (2) The personal assessment of the Chairman  
2           of the Joint Chiefs of Staff regarding the readiness  
3           and capabilities of the Armed Forces together with  
4           the Chairman's personal judgment on whether there  
5           are significant problems or risks regarding the capa-  
6           bilities and readiness of the Armed Forces.

7           (3) Any factors that the Chairman or any other  
8           member of the Joint Chiefs of Staff believes may  
9           lead to a decrease in force readiness or a degrada-  
10          tion in the overall capability of the Armed Forces.

11          (4) Any recommended actions that the Chair-  
12          man of the Joint Chiefs of Staff considers appro-  
13          priate.

14          (5) Any classified annexes that the Chairman of  
15          the Joint Chiefs of Staff considers appropriate.

16          (c) PERIOD ASSESSED.—The assessment shall in-  
17          clude information for the fiscal year in which the assess-  
18          ment is submitted, the 3 preceding fiscal years, and pro-  
19          jections for the subsequent fiscal year.

20          (d) INTERIM ASSESSMENTS.—If, at any time between  
21          submissions of assessments to Congress under subsection  
22          (a), the Chairman of the Joint Chiefs of Staff determines  
23          that there is a significant change in the projected readi-  
24          ness or capability of the Armed Forces from the readiness  
25          or capability projected in the most recent annual assess-

1 ment, the Chairman shall submit to the Congress a revised  
 2 assessment that reflects each such significant change.

3 **TITLE IV—MILITARY**  
 4 **PERSONNEL AUTHORIZATIONS**  
 5 **Subtitle A—Active Forces**

6 **SEC. 401. END STRENGTHS FOR ACTIVE FORCES.**

7 The Armed Forces are authorized strengths for active  
 8 duty personnel as of September 30, 1994, as follows:

9 (1) The Army, 540,000, of whom not more  
 10 than 84,414 shall be commissioned officers.

11 (2) The Navy, 480,800, of whom not more than  
 12 62,747 shall be commissioned officers.

13 (3) The Marine Corps, 177,000, of whom not  
 14 more than 17,851 shall be commissioned officers.

15 (4) The Air Force, 424,400, of whom not more  
 16 than 80,632 shall be commissioned officers.

17 **SEC. 402. TEMPORARY VARIATION OF PERMANENT END**  
 18 **STRENGTH LIMITATIONS FOR CERTAIN**  
 19 **GRADES OF OFFICERS IN THE MARINE**  
 20 **CORPS.**

21 (a) VARIATION IN PERMANENT LIMITATIONS.—Not-  
 22 withstanding the items relating to majors and lieutenant  
 23 colonels of the Marine Corps in the table in section  
 24 523(a)(1) of title 10, United States Code, in the adminis-  
 25 tration of the limitation in such section for a fiscal year

1 referred to in the table in subsection (b) of this section  
 2 with respect to commissioned officers of the Marine Corps  
 3 serving on active duty in the grades of major and lieuten-  
 4 ant colonel, the numbers applicable to such commissioned  
 5 officers shall be the numbers set forth for such fiscal year  
 6 in the table in subsection (b).

7 (b) TABLE.—The table referred to in subsection (a)  
 8 is as follows:

“Fiscal year:	Number of officers who may be serving on active duty in the grade of:	
	Major	Lieutenant colonel
1994 .....	3,023 .....	1,577
1995 .....	3,081 .....	1,610
1996 .....	3,139 .....	1,643
1997 .....	3,196 .....	1,677.”.

## 9           **Subtitle B—Reserve Forces**

### 10 **SEC. 411. END STRENGTHS FOR SELECTED RESERVE.**

11 (a) IN GENERAL.—The Armed Forces are authorized  
 12 strengths for Selected Reserve personnel of the reserve  
 13 components as of September 30, 1994, as follows:

14 (1) The Army National Guard of the United  
 15 States, 410,000.

16 (2) The Army Reserve, 260,000.

17 (3) The Naval Reserve, 127,000.

18 (4) The Marine Corps Reserve, 42,200.

19 (5) The Air National Guard of the United  
 20 States, 119,760.

21 (6) The Air Force Reserve, 81,500.

1           (7) The Coast Guard Reserve, 10,500.

2           (b) WAIVER AUTHORITY.—The Secretary of Defense  
3 may vary an end strength authorized by subsection (a) by  
4 not more than 2 percent above or below that authorized  
5 end strength.

6           (c) ADJUSTMENTS.—The end strengths prescribed by  
7 subsection (a) for the Selected Reserve of any reserve com-  
8 ponent shall be reduced proportionately by—

9           (1) the total authorized strength of units orga-  
10 nized to serve as units of the Selected Reserve of  
11 such component which are on active duty (other  
12 than for training) at the end of the fiscal year, and

13           (2) the total number of individual members not  
14 in units organized to serve as units of the Selected  
15 Reserve of such component who are on active duty  
16 (other than for training or for unsatisfactory partici-  
17 pation in training) without their consent at the end  
18 of the fiscal year.

19 Whenever such units or such individual members are re-  
20 leased from active duty during any fiscal year, the end  
21 strength prescribed for such fiscal year for the Selected  
22 Reserve of such reserve component shall be proportion-  
23 ately increased by the total authorized strengths of such  
24 units and by the total number of such individual members.

1 **SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE**  
2 **DUTY IN SUPPORT OF THE RESERVE COMPO-**  
3 **NENTS.**

4 Within the end strengths prescribed in section  
5 411(a), the reserve components of the Armed Forces are  
6 authorized, as of September 30, 1994, the following num-  
7 ber of Reserves to be serving on full-time active duty or,  
8 in the case of members of the National Guard, full-time  
9 National Guard duty for the purpose of organizing, ad-  
10 ministering, recruiting, instructing, or training the reserve  
11 components:

- 12 (1) The Army National Guard of the United  
13 States, 24,180.  
14 (2) The Army Reserve, 12,542.  
15 (3) The Naval Reserve, 20,415.  
16 (4) The Marine Corps Reserve, 2,285.  
17 (5) The Air National Guard of the United  
18 States, 9,517.  
19 (6) The Air Force Reserve, 648.

20 **SEC. 413. TEMPORARY VARIATION OF PERMANENT END**  
21 **STRENGTH LIMITATIONS FOR AIR FORCE**  
22 **PERSONNEL SERVING ON ACTIVE DUTY IN**  
23 **CERTAIN GRADES IN SUPPORT OF THE RE-**  
24 **SERVE COMPONENTS.**

25 (a) SENIOR ENLISTED MEMBERS.—Notwithstanding  
26 the items relating to pay grades E-8 and E-9 of the Air



1 Force in the table in section 517(b) of title 10, United  
2 States Code, in the administration of the limitation in  
3 such section for fiscal year 1994 with respect to enlisted  
4 members of the Air Force serving on active duty in pay  
5 grades E-8 and E-9 for duty referred to in that section,  
6 the numbers applicable to such enlisted members are as  
7 follows:

8 (1) Grade E-8, 840.

9 (2) Grade E-9, 328.

10 (b) CERTAIN OFFICER GRADES.—Notwithstanding  
11 the items relating to lieutenant colonels and colonels of  
12 the Air Force in the table in section 524(a) of such title,  
13 in the administration of the limitation in such section for  
14 fiscal year 1994 with respect to commissioned officers of  
15 the Air Force serving on active duty in the grades of lieu-  
16 tenant colonel and colonel for duty referred to in that sec-  
17 tion, the numbers applicable to such commissioned officers  
18 are as follows:

19 (1) Lieutenant colonel, 636.

20 (2) Colonel, 274.

**Subtitle C—Military Training**  
**Student Loads**

**SEC. 421. AUTHORIZATION OF TRAINING STUDENT LOADS.**

(a) IN GENERAL.—For fiscal year 1994, Armed Forces are authorized average military training student loads as follows:

(1) The Army, 75,220.

(2) The Navy, 45,269.

(3) The Marine Corps, 22,753.

(4) The Air Force, 33,439.

(b) SCOPE.—The average military training student load authorized for an armed force under subsection (a) applies to the active and reserve components of that armed force.

(c) ADJUSTMENTS.—The average military training student loads authorized in subsection (a) shall be adjusted consistent with the end strengths authorized in parts A and B. The Secretary of Defense shall prescribe the manner in which such adjustments shall be apportioned.

## **Subtitle D—Authorization of Appropriations**

### **SEC. 431. AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PERSONNEL.**

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 1994 a total of \$70,711,000,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 1994.

## **TITLE V—MILITARY PERSONNEL POLICY**

### **Subtitle A—Officer Personnel Policy**

#### **SEC. 501. AWARD OF CONSTRUCTIVE SERVICE CREDIT FOR ADVANCED EDUCATION IN A HEALTH PROFESSION.**

(a) CREDIT UPON ORIGINAL APPOINTMENT IN A REGULAR COMPONENT.—Section 533(b)(1) of title 10, United States Code, is amended—

(1) in subparagraph (A)—

(A) by inserting “(including advanced education in a health profession)” in the first sentence after “One year for each year of advanced education”;